



A New, Feasible Age of Post-Globalization. Sociological and Legal Thoughts on the Need for a Constitution that unites all the Nations of the World

Michele Blanco^{a*}

^a *University of Molise, Italy*

Abstract

The free movement of capital, economically very strong companies transnational corporations and large economic unions between nation states have long existed indicated as signs of a globalization that surpassed the classic form of National state to move towards borderless world governance and conflicts. This thought has established itself, also thanks to the strong propaganda of the masses media, making great promises of economic prosperity for all, of freedom and democracy, with the contemporary realization of the free movement of capital, the major deregulations of national economies, the economically very strong ones multinationals and large economic unions between national states. A world that would have happily shared Western values, considered “morally superiors”, of democracy and the free market, of interdependence and of cooperation, to the detriment of old ideologies and useless divisions. But today this phase of globalization seems to be in its decline, with the financial crisis of 2008, the worsening of competition between the United States and China, the pandemic and wars constitute, in fact, as many stages of the profound transformation of the international political and economic structure.

Large state-level powers are returning to the scene continental with the desire to be geopolitical protagonists, and the probably return of all the characteristic baggage of divisions and spheres of influence, alliances and hostility. We have new alliances between emerging nations, globally, the so-called BRICS countries (acronym used in international economics to refer to the following countries: Brazil, Russia, India, China, South Africa, to which they will be added soon other important nations not belonging to the “tradition” strictly western.

Keywords: Post-globalization; multipolarism; national state; Europe; Brics.

*Corresponding author: Michele Blanco. *E-mail:* micheleblanco26@yahoo.it.

Introduction: How economic and financial globalization has implemented the increase in inequalities.

The free circulation of capital, the wealthy multinational companies and the large economic unions between national states have all been perceived, for a very long time now, as signs of a globalization which exceeds the traditional idea of the national state in order to move towards to a “*Governance*” of the world freed from borders and conflicts, a world at the "end of History"(Fukuyama 1992), The end of history is one of the key concepts of the philosophical analysis of the political scientist Francis Fukuyama: according to this historiographical study, the process of the social, economic and political evolution of humanity reached its peak at the end of the twentieth century; an epochal turning point which would stimulate the start of a final phase of human history as we know it.

A world that would happily share Western values (considered “morally superior”) of democracy and the free market and of interdependence and cooperation to the detriment of old ideologies and useless divisions (Magnani 2004). Supporters of this school of thought, for example, were certain that once economic well-being had been achieved, liberal democracy would have inexorably triumphed in China too. Without this belief, communist China would never have been welcomed with such benevolence and cordiality in the globalized world market, as set forth by its accession to the WTO in 2001. The Western world had, consequently, chosen to give asymmetric readings to two very important and fundamental events that occurred in the same year (1989): the fall of the Berlin Wall and the Tienanmen Square riots. The former event marked the triumph of the Western capitalist system of life without realizing that it strongly depended to the endogenous failure of the Soviet Union. The latter, instead, was naively perceived as a victory of democratic values which led to recklessly underestimate the terrible strength of Deng Xiaoping's repression and the Chinese government system. Two major sins of *hubris* (Hubris is a *topos* (recurring theme) of Greek tragedy and Greek literature, describing a personality quality of extreme or excessive pride or dangerous and excessive confidence, often combined with (or synonymous with) arrogance. It generally refers to an unjust or wicked action that occurred in the past, which produces negative consequences on people and events in the present. It is a background that serves as an underlying cause that will lead to the catastrophe of the tragedy itself. In this specific case, arrogance seems to be the best possible definition. Antonio Gramsci the expression he used to talk about how the liberal governments of united Italy had treated the south. As was once said of the condition of women, so it can be said of the condition of our South: they are the mirror of the entire society. If you want to understand what a society's sense of justice is, first of all look at the policies adopted for the most disadvantaged parts. The mirror of today's Italy, the result of decades of liberal policies that this government represents at its best, is in those areas, sometimes beautiful, socially abandoned. And the Northern League proposal for differentiated autonomy would come as the final blow: keeping the regions under the nefarious heel of an establishment that hoards resources and distributes them to stay in the saddle. Differentiated autonomy is institutional trickle-down. He repeats the logic. With a lax and conniving state. The outcome, writes Gianluca Passarelli in this newspaper, would be fatal: "one-way migration, social desertification, drying up of essential services, demographic de-structuring and abandonment of public outposts". The financial and human tools of this government for the South are aimed at creating a rapacious socio-political class. Gramsci would speak of Cadornism: sacrificing reality to a plan presented

with logical and rational hypotheses that does not hesitate to blame reality if it falsifies it, at the cost of imposing useless sacrifices on those who suffer it", which, in retrospect, remind us of the unfounded certainty of the neoliberal triumph which particularly characterize the last two decades of the twentieth century. Indeed, they still actively pervade and influence much of today political, social and financial world. In reality, the economists who support wild globalization have acted in an absolutely "ideological" way (taken in its most typical and fundamentalist meaning), demonstrating little ability to tackle down tensions, inequalities and great weaknesses caused by economic hyper-globalization. They have always attributed any obstacle that prevented the total realization of this system either to ignorance or, much more likely, to the private interests of lobbies and protectionists of all kinds. With these assumptions in mind and for the sake of globalization, no attention was ever paid to the legitimate clash between opposing values and ideals. Moreover, they have overlooked the reality of markets that function correctly, as countless historical examples demonstrate, only through correct action and related direct interventions by the State. Clearly the only prescriptive indications of these liberal "economists" have caused serious consequences by losing the opportunities to use the tools of their conception of trade to obtain better effects. Among the best effects we must consider the greater distribution of wealth, which has not happened at all. This absolute trust resisted until the September 11 attacks (the "war on terror"); much less after the financial crash of 2008, the subsequent European debt crisis, and the "small" Middle Eastern cold war. But the moment in which the true and profound crisis of neoliberal ideology was demonstrated occurred only in 2016; a year marked by "Brexit" and Trump's electoral victory. These two "shocking" events similarly hit the cornerstones of the Western system: London and Washington; that is the "old" and "new" capitals of the Liberist Empire. At first, they were considered basic anomalies which would not have mattered much. Today, however, we know that it was the beginning of a truly epochal crisis, even if we do not know the type of implications and consequences they will actually bring into the financial and political scenes. Under the blows of Covid, of the geopolitical revisionism brought by the "Putinian" system and of the Sino-American tension, the era of global neoliberal "magnificent and progressive fortunes" promoted by this ideology seems inexorably to be at a turning point.

A new post-global geopolitical paradigm begins to assert itself.

The economist Dani Rodrik has suggested the idea that the world's phase of financial and political "hyper-globalization" seems to be at an end (Rodrik 2023). After a thoughtful study on our current historical and socio-political moment, Rodrik stated that: "The financial crisis of 2008, the worsening turnover competition between the United States and China, the pandemic and the war in Ukraine, constitute, in fact, so many stages in the profound transformation of the international political and economic structure that emerged in the previous decades, starting from the caesura of 1989. It is time to think about a new form of globalization, founded on the recognition of interdependence and political, legal and cultural pluralism. Law can play an important role in structuring and stabilizing this new global order if it is conceived, beyond the paradigm of legal globalism, as a more flexible instrument of negotiation and agreement between inevitably divergent geopolitical interests and between States that do not completely renounce their sovereignty" (D'Atorre 2023). In addition, Branko Milanovic, an economist from the University of New York, has argued against the inequalities caused by globalization highlighting the fact that they are too often forgotten if not deliberately hidden (Milanovic 2012, 2017). He decided to make

a financial graph by comparing the income gains with the level of incomes themselves of the twenty-year period 1988-2008. The outcome of his study revealed the presence of a camber. Known currently with the more appropriate term “elephant curve”, this camber shows how, in that particular period, there was a growth in the world's lowest incomes and a decline in average ones. Moreover, it also revealed a strong rise in the highest incomes. When linking together all the dots in the chart of the financial diagram, the “curve” resembled the side-shape of an elephant. Thus, its name. Following these studies, one question is then worth asking ourselves: “Who are the beneficiaries of globalization?” «In nine out of ten cases they belong to emerging Asian economies such as China, India, Thailand, Vietnam and Indonesia», and in particular, they belong to the poorest social ranks. This new "emerging middle class" is opposed by members belonging to the middle class of “richer” countries, (Western Europe, North America, Oceania and Japan) which, by contrast, are experiencing an inexorable decline of their financial assets due to globalization. Finally, there is one last group of very rich individuals distributed throughout the various countries of the world whose incomes have significantly increased during the same twenty years. Therefore, it can be said that globalization has produced a small group of few, selected “winners” within a greater one of the richest citizens of some emerging countries and in the super rich all over the world. Conversely, it has witnessed the emergence of an increasing amount of a very large group of “losers” within the now and newly impoverished middle classes of the richest countries. Similar conclusions also come from the studies of Thomas Piketty who analyzes the historical series of accumulation and distribution of capital starting from the 18th century. The French economist stated that: “When the rate of return on capital regularly exceeds the growth rate of production and income – as happened until the 19th century and as risks happening again in the 21st – capitalism automatically produces unsustainable, arbitrary inequalities, which call into question the foundations of the meritocratic values on which our democratic societies are based.”(Piketty 2014). The first consideration to make is that it is necessary to be wary, in a matter of this kind, of any economic determinism. The history of the distribution of wealth is often tied up to a historical discourse which is dominated by politics and is not limited to the identification of purely economic mechanisms. In particular, the decrease of inequalities observed in developed countries in the last century, in particular between 1950 and 1960, is primarily due to the impact of the Second World War and the public policies implemented as a consequence of this traumatic event. Just as the growth in inequalities from 1980 to the present day mostly depends on the political changes of recent decades, especially in fiscal and financial matters. The history of inequalities depends on the representation of what is right and what is not according to the political idea of people at power. An important role, for example, is played by the economic, political, social actors, their power relations and their strong impact on influencing the collective decisions of a given society. Hence, our idea of “inequality” is inexorably determined by all the power forces involved. The second consideration is that the dynamics of the distribution of wealth moves around the idea of a large-scale phenomenon. The latter is characterized by drivers of both convergence and divergence because of the absence of any natural or spontaneous instrument that controls the prevalence of destabilizing tendencies that trigger inequality. Let's begin to analyze this mechanism in favor of convergence, i.e. in favor of the reduction and compression of inequalities. The main factor of convergence are the processes of diffusion of knowledge and investment in skills and training. The game of supply and demand, as well as the

mobility of capital and labor which constitutes a variant of the same, can equally intervene in this direction but to a less intense extent, and often in an ambiguous and contradictory form. The process of diffusion of knowledge and skills is always the crucial element, the mechanism that simultaneously allows the general growth of productivity and the reduction of inequalities both within each country and at global level. This concept can be demonstrated by analysing the economic rebalancing currently achieved by many poor and emerging countries, starting with China, compared to rich countries. By adopting production models and reaching the skill levels of rich countries, less developed countries close productivity gaps and increase national income. This process of technological convergence can be favored by opening up different commercial possibilities. However, it is essentially also a process of diffusion of knowledge and income, of sharing of that given knowledge which, as we more commonly know it, is the public good par excellence (Hess and Ostrom 2009) good. The book reiterates that knowledge must be a shared resource, the very propellant for modern societies that link their prosperity and development to research, training and the maximum social diffusion of creative and innovative knowledge. We want to find a way to preserve this asset in the era of globalized informational neoliberalism. It is argued that we must prevent the ecological-social system of "useful" knowledge from being overwhelmed by privatization. To achieve this great democratic goal, it is necessary to rethink intellectual property and copyright, but also the role of libraries, educational institutions and forms of digital creation and sharing of knowledge, as well as the way in which new digital contents can be preserved and made available via the web. With open content, creative commons and open source which can constitute an effective way of guaranteeing access to knowledge and its greater and more democratic global diffusion. The word "knowledge", which becomes fundamental for widespread global development, in this book refers to all understandable ideas, information and data, in whatever form they are expressed or obtained), rather than a mechanism of the market. Angus Deaton's studies, (Deaton 2015) for example, are dedicated to the inevitable relationship between inequalities and health in the global scenario. He explains how: «The people of the world are not only gaining years of life and becoming richer, they are also growing in height and strength, with other important advantages, one of which is the development of their cognitive abilities. However, as happened with mortality rates these advantages were distributed unequally. At current rates, it will be centuries before Bolivians, Guatemalans, Peruvians and South Asians can become as tall as Europeans. Therefore, although many have fled, millions have remained behind, and the resulting world of differences is crossed by inequalities visible even in bodies. Emmanuel Saez and Gabriel Zucman (2020) also deal with inequalities highly developed by the globalization system.

They also stated that “Beyond the American case – the authors continue – the story we tell essentially concerns the future of globalization and the future of democracy. Because, if it is true that the change has been extreme in the United States, fiscal injustice is triumphing elsewhere too. Most countries have recorded a more or less marked increase in inequalities and a reduction in the progressivity of taxes, in a scenario marked by growing tax avoidance and unbridled competition”. However, nowadays this system is experiencing a real crisis. Indeed, Eric Sadin expressly claims that “A phenomenon that was unthinkable until a few years ago is taking place: it is the agony of neoliberalism. All its excesses, all its injustices, all its disasters daily reiterate its harmfulness. This is evidence shared by all that neoliberalism is dragging us towards a ruin that is as social as it is environmental, as much ethical as it is economic, as much individual as it is collective. We would need a new social organization, new economic policies, a return to a fairer and more sensitive welfare

state that is able to take charge of ecological issues and a more heartfelt participation of citizens in public life.” (Sadin 2023). As a matter of fact, the great continental-level state powers are returning to the scene with a strong desire to be geopolitical protagonists, suggesting the development of a counter-side effect of a probable return of all the traditional baggage of divisions, biases and inferences, alliances and hostilities. Indeed, we have new trade alliances between emerging nations, on a global level, the so-called BRICS (Rogari 2014) countries (an acronym used in international economics to refer to the following countries: Brazil, Russia, India, China and South Africa as well as all other emerging countries which will soon be to the pact). Almost all of these countries share a developing economy and an abundance of strategic natural resources. In addition, they have been characterized by a strong growth in gross domestic product (GDP) and a share in world trade, especially starting from the beginning of the 21st century. These economies aim at building a global trading system through bilateral agreements that are not based exclusively on the petrodollar; indeed, they would certainly like to exclude the dollar as the only currency of exchange. Thus, in recent years a new post-global world seems to be emerging despite the fact that it is still difficult to predict with clarity its political and financial features. The most important example can be found in the management of the Covid-19 pandemic, the mediatic campaign in regards to the vaccines and the strong and centralised role in controlling human society played by, once again protagonists, national states. The political situation began to change radically in 2018 with the return of protectionism; that is when US President Donald Trump announced a first series of tariff increases aimed at several European countries as well as, and above all, China. These tariff increases ultimately developed into a tariff war between the world's two largest economies: USA and China. The former started to impose tariff increases on steel and aluminum imports from almost every country in the world; something that had never happened in the era of globalization. Despite the change in US administration, most of these tariffs are still in effect. The United States continues to justify a political and financial attitude which promotes the idea that these tariffs are still necessary for national security. The political desire by the nation that most promoted globalization to close itself off to economic exchanges with competing nations such as China can only inevitably lead to serious consequences, with notable destabilizations, for the future of globalization itself (or at least as we have been experiencing it so far). Indeed, we can witness the return of various national policies and increased interventionism in regards to rates, money and deficits. We can observe how the use of energy puzzles is becoming more and more important, leading to a stratospheric increase in costs and the return to a war economy as highlighted by the disastrous war in Ukraine. The terrible combination of “pandemic + war” and with its serious consequences has also hit particularly hard one of the main drivers of globalization; that is the transnational production process more appropriately known under the term of “global value chain” (GVC, Global value chains organize the production of goods and services worldwide by segmenting it into different phases, located in different areas, often thousands of kilometers away from each other. The OECD, World Bank and World Trade Organization agree in attributing GVCs a fundamental role in the economy of the first part of the 21st century, given their impact on trade, the creation of jobs and added value, as well as on the economic development of traditionally marginal regions. In fact, global production increasingly involves countries with low and medium levels of GDP. Among the twelve countries with the highest value of trade in intermediate manufactured goods, those that enter into the production of other intermediate goods intended for the

production of final consumption or investment goods, include, in ascending order, Vietnam, Argentina, Chile, Indonesia, Philippines, Turkey, Brazil, India, Thailand, Malaysia, Mexico and China. According to United Nations data, China alone represents 8.5% of the total trade in intermediate manufactured goods. In some cases, such as, for example, that of computers, global production chains are dominated by multinational companies that coordinate the production and marketing phases thanks to the property rights they hold) 90% of trade takes place by sea, due to the Covid-19 pandemic, maritime trade has suffered significant restrictions which have made connections between the various countries of the world more difficult. This has economically damaged the companies in the sector and, in the end, also us consumers, given the consequent increase in product prices. The pandemic, in fact, has led to numerous blocks on the movement of people and goods and increased border controls, slowing down global trade overall. The fact that products have started to circulate more slowly has increased the costs of renting containers (which must be rented for longer) by 500% and has slowed down delivery processes. Furthermore, due to the more general economic crisis triggered by the pandemic and anti-contagion regulations, companies have reduced the number of workers active at commercial ports, which has further slowed down the process of storing and shipping goods.

The expression "Just in time" indicates an industrial management model, of Japanese origin, which provides that only what is necessary is produced, in the necessary quantity and when required, in order to reduce any potential waste resulting from production activities, storage and supply. To function, the just in time model therefore requires efficient transport, information flows and advanced technologies for the management of logistics operations (for example, to collect deliveries), a panorama favorable to free trade with general contract conditions recognized at an international level (think of Incoterms), as well as a close synchronization relationship with suppliers. Once these conditions are respected, the system allows operators to reduce costs and guarantee continuous production linked to demand. So much so that some companies used to say, in the wake of the success of this model, that "our warehouses are the streets". But with the pandemic the system went haywire).

This system was made possible by the two most important economic innovations of the second half of the twentieth century: the computer and the container. In recent decades, GVCs have made it possible to reduce Western consumer prices to the point of "masking" them through the complicity of some financial bubbles (the stagnant trend in wages and the huge increase in inequality in OECD countries). On the other hand, we must recognize that, even though with often problematic ways, they have contributed enormously to the development of countries such as China which even in the 1990s were "under-industrialised". However, today the GVCs seem to have reached the end of the line, at least as they were conceived until January 2020. Covid and quarantines have first shown the great frailty of the logistics systems on which they depend, such as the "container crisis" and the notable delays of the "Just in time", (The expression "Just in time" indicates an industrial management model, of Japanese origin, which provides that only what is necessary is produced, in the necessary quantity and when required, in order to reduce any potential waste resulting from production activities, storage and supply. To function, the just in time model therefore requires efficient transport, information flows and advanced technologies for the management of logistics operations (for example, to collect deliveries), a panorama favorable to free trade with general contract conditions recognized at an international level (think of Incoterms), as well as a close synchronization

relationship with suppliers. Once these conditions are respected, the system allows operators to reduce costs and guarantee continuous production linked to demand. So much so that some companies used to say, in the wake of the success of this model, that "our warehouses are the streets". But with the pandemic the system went haywire) after which the energy crisis dealt them a near-fatal blow in the form of galloping increases in operating costs. These two phenomena have marked the return of inflation, which all experts agree in defining as the economic disease that for five centuries now heralds a serious moment of crisis, as has often happened in history, of the great historical cycles. (Just consider some of the most important examples in history that led to epochal changes. The inflationary process that characterized the European economy from the mid-14th century to the mid-16th century, in this period more raw materials and greater money led to a demographic increase which led to a sudden increase in demand which, in turn, caused the rise in food prices, the supply of which could not be increased given the technologies of the time. The "price revolution" was followed by other cases of out-of-control inflation, such as that which occurred in France at the time of the French Revolution. The most emblematic case occurred in Germany at the end of the First World War. In fact, when it comes to hyperinflation, one cannot fail to mention the failure of the Weimar Republic. Born at the end of the First World War with the best intentions, it was the first modern democracy in Europe which introduced universal suffrage, full freedom of the press and freedom of political expression, allowing the birth of far-right and far-left parties, and was center of a cultural revolution that aimed to redesign the socio-economic fabric of the whole of Europe. Unfortunately, under the weight of the debts accumulated in the First World War and the subsequent repression of the left-wing parties, the situation rapidly worsened, leading to its inevitable bankruptcy in 1933. The provisional government would have liked to establish a republican model that managed to remain within liberal policies and in greater harmony with other European countries. Unfortunately, things went differently and to deal with the endemic shortage of precious metals in the Bundesbank coffers, paper banknotes issued to pay war debts began to be printed. All this caused the very rapid devaluation of the currency, causing hyperinflation to explode and preventing the recovery of the economy. Banknotes amounting to several billion marks were issued, with which one could barely buy a sandwich. Hundreds of factories printed paper money day and night, with increasingly hyperbolic figures on them. All this led to an enormous and continuous increase in prices, which impoverished the German economy, fueling popular intolerance and discontent which were fertile ground for the birth and affirmation of Nazism. If the money injected does not follow economic growth, prices lose their function of signaling, through scarcity, the best allocation of resources, driving the system crazy. An increase that especially impoverishes the weakest, in particular the poor, the unemployed, those unable to work and those who have a fixed income, such as employees. But even entrepreneurs are starting to have difficulty, as it is increasingly difficult to find new customers to sell goods to. A situation that was experienced in 1929, also in the United States, albeit for very different reasons. Inflation is a phenomenon that is generated when something breaks in the delicate balance that regulates the quantity of money and the frequency and intensity of economic activities. If there is too much money or vice versa, the attractiveness of the money in circulation suddenly drops, inflation starts. If the economy suddenly slows down due to an unexpected event, such as a war or a pandemic, such imbalances are generated that the monetary authorities struggle to adequately contain. This is why, for some, we are entering the era of *deglobalisation* it is not unlikely to expect

that the recent increase in prices will be maintained for a long time and the economy will have to readjust profoundly, before seeing prices return to the levels we have been accustomed to in recent years. Furthermore, the level of debt accumulated in recent decades and inflation, if it does not get out of hand, will make it possible to reduce the burden of the trillions of public bonds still in circulation¹ An important aspect to consider is that the relative low prices that the "first world" has enjoyed in recent decades have undoubtedly acted as a help to the less well-off classes in Europe and the United States. As a consequence, as strong inflation developed, the inequalities that have arisen appear more ruthless. One of the worsening aspects is the trade war on technology between China and the United States. Started with fuss by Trump, it was inexorably continued with an even heavier hand by Biden. Just consider how US government has intensified controls on the exports of technological products to China as a means for trying to limit the export of advanced technologies as much as possible; sometime even blocking them. A decision consistent with the "Chips and Science Act" which allocates state investments of 280 billion dollars to the US semiconductor industry. This is an important act which inevitably confirms, in addition to the crisis of neoliberalism, the strengthening of the domestic chip industry for USA with the ultimate risk of making it a long-term strategic issue. Obviously, the need for military defense is often intertwined with economic reasons. In recent years, the USA has decided to allocate more than a trillion dollars to infrastructure, contradicting the policies made by the federal government since Reagan's time. A development plan based on the idea of "bringing everything back home" (that is a policy opposed to wild globalization) and therefore going back to the idea of the "producing American, consuming American and selling American". This concept can be particularly exemplified by the "American work" proposed by Trump whilst shouting his three watchwords from a podium "jobs! jobs! jobs!" in order to "make America great again". However, despite Biden wished to modernize and re-build the US infrastructure by allocating a truly significant sum, he did not take into account the large state deficit. By doing so, from the point of view of economic investments, he is implementing a modern-day "New Deal" worth almost 6 trillion of dollars. This plan seeks to find the necessary needs for the post-pandemic recovery: socio-economic strengthening, energy transition and structures to mitigate the effects of global warming. Unfortunately, within this ambitious project we also note the presence of significant funding for military expenses. In truth, these are colossal figures. At the moment these expenses certainly contribute to the increase in global inflation, but infrastructure financing was necessary, after decades of total neglect. In reality, large public investments in social and healthcare systems would also be necessary, but unfortunately, in the United States these still remain taboo topics. From a strictly economic point of view, the idea of returning to producing internally as much as possible has various virtuous implications for the United States. They could make life a little more difficult for China and would allow the US to reactivate its industrial capabilities. "Bidenomics", as Biden's investment plan is defined, should allow the USA to attenuate, or at least in part, the great trend towards the impoverishment of the middle classes which in recent years has put their social stability to strain. This is the reason why a potential anti-democratic drift in the country was feared. In a major change compared to decades of policies solely aimed at strengthening market mechanisms, the Council of Economic Advisers (The Council of Economic Advisers is a body made up of three economists, which advises the President of the United States on economic policy. The

Council is part of the Executive Office of the President and provides much of the White House's economic policy) admitted that: "empirical evidence demonstrates that a strong economy depends on a solid foundation of public investment and that investments in workers, in families and communities will pay off for decades to come". However, today we find ourselves faced with a "global bluff" (AA. VV., *Limes. Rivista italiana di geopolitica. Il bluff globale*. N.4/2023). As highlighted by Limes' headlines, the Italian magazine of geopolitics, on the cover page of its fourth volume of 2023 which clearly suggested the fact that globalization was not just a commercial phenomenon. Therefore, its evident transformation, with an outcome that is still uncertain, is not only an economic fact but also a political and cultural one. It is in fact the result of three purely historical-geopolitical events: the outcome of the two world wars, the US choice to open up to China in 1972 in an anti-Soviet key and the end of the Cold War after the fall of the Berlin Wall and the development of US-led globalization. The first event puts an end to leading role of European countries, particularly the United Kingdom and France first and foremost, in the global political scene by allowing the definitive rise of the United States as the first and only great economic and political power. The second laid the premises for the US-China alliance on which, up to now, rested that unifying dynamic we consider the true basis of globalization. Finally, the third had the effect of enhancing both the American material and cultural model (known as the Washington Consensus) as the ultimate standard, making it the paradigm with which the United States attempts to fit into a world-wide economic and political order centered on neoliberal globalization. What marked the end of absolute US hegemony was disillusionment with the aforementioned model as it fell victim to various failures of political strategy, too many wars and conflicts in the world (not to mention the so-called war on terrorism) and systemic evils of capitalism such as the great recession of 2008. Moreover, it also severely suffered from the inevitable emerging divergence between economic conveniences and geopolitical trajectories between the USA and China. Hence, the outcome is resulting in to an alteration of the relationship between (incurred) costs and (perceived) benefits of a primacy that the United States seems less capable and eager to sustain despite its unsuccessful efforts of being downgraded on a political and financial level. Interdependence, the fundamental essence of the globalized world and post-Cold War modernity, thus turns from a reason for great and fruitful cooperation into a source of tension between the United States and China with inevitable repercussions on Washington's allies - European and otherwise - now orphans of an American-centric order. Conversely, the idea of a continuity over time of the political action does not exist within Chinese cultural heritage. Xi Jinping has many years of government ahead of him to counter, for example, all American vetoes on the sale of *chip* to China, promoting the development of more autonomous technological possibilities. We must certainly hope that the Chinese response does not translate into an increase in aggression and pressure on Taiwan, where Asia's most advanced *chip* company is located. It would most certainly be a scenario with a very high and risky potential for escalation. The trend seems to be moving towards a return to a new structure of states allied to antagonistic blocs. On one side we have the Atlantic-Western world with an epicenter of power that is increasingly limited to the United States alone. On the other, China and its allies which seem to begin to include India, Russia and the Middle East where China itself has carried out a commendable mediation between renowned historical enemies such as Saudi Arabia and Iran. This aspect can be perceived as a contrast whose stake is nothing less than a dichotomy between the Western "traditional" fundamental concepts such as modernity, democracy and law on the

one hand, and, on the other, the political attitudes of China and Russia respectively who advocate for the beginning of a “new global”, or post-global era, based on “new rules”. At the moment, our knowledge leads us to glimpse at the return to an active role of the State in the economy (Gerbaudo 2023) where it is argued that «In the old world we leave behind – what the Oxford historian Gary Gerstle described as the “neoliberal era” – political discourse centered on the famous idea of a “free market”, conceived as a space for commercial exchanges and "meritocratic" competition between businesses and individuals that had to be made to grow at the expense of a State considered too cumbersome, through privatizations, liberalizations and austerity policies. It was a liberal vision which, however, did not only belong to the right, so much so that some explicitly claimed it as part of the progressive cultural baggage. In the new world we are entering, still largely mysterious, the naive, and at the same time cynical, vision of the "free market" that dominated the golden years of globalization - what the British political theorist Jeremy Gilbert called the "long Nineties" – seems out of place."

Current events seem to be well summarized, as they were formed, in these interesting considerations: “... the collapse of the bipolar paradigm... has made the world more complex and unpredictable, with various consequences: finance, previously closely linked to the economy, became autonomous; demographic growth and decline alongside the scarcity of natural and food resources and the competition to appropriate them; the increased weight of emerging powers and the increased uncertainty with the end of “the military order”; the borders that have become permeable and the new information technologies that have made the world more interdependent”(Jean 2012). Many important scholars believe that Chinese interest is aimed at a multipolar world without a power that alone prevails over the rest of humanity: “China, in short, is looking for customers: to sell them its goods, use of their raw materials and make their own investments in them (development initiative), and to create a front of countries that are now less complacent in the face of Washington's wishes (security initiative); and it does so by waving the flag of multipolarism and respect for different national paths and different political forms (initiative for civilization). Presumably, for Beijing's more sober leaders the aim is not so much to create a new world order - which, in any case, is impossible without a war - but to be able to enjoy the same freedom of movement, in a literal and side, of their colleagues in Washington. After all, they say, China has acquired increasingly robust influence at an international level thanks to loans, investments and diplomatic initiatives, and therefore now deserves to have at least the same privileges enjoyed by the United States. All emerging powers, once a certain critical threshold of their growth has been exceeded, claim the "right" to play a role in the "redefinition of the rules" (as they say today) of international politics; rules that had been established when those powers had not yet emerged and which therefore do not take into account their recent needs (instead continuing to serve the needs of the old powers, even if they were declining). At the end of the nineteenth century, it was Germany and the United States that claimed their "rights" as emerging powers: the former, explicitly and loudly; the latter silently and perhaps also, in part, unconsciously, thanks to the conquest of new markets and increasingly advanced geo-strategic positions. As often happens, the weakest - even among the emerging or presumed emerging - tries to cover their deficiencies with bombastic proclamations and sensational actions, to the point of causing, as in the case of Wilhelmine Germany, catastrophic and irreparable damage. In light of these two examples, one could say that China is halfway between the German model and the American model. But its claims, in themselves, are not

enough to make its candidacy for a future role as a hegemonic power credible.” (Graziano 2023).

Europe out of the picture?

Within the context of the international political situation, we have discussed so far, the European Union seems inexorably cut off. The reason might lay in the fact that Europe seems incapable of successfully developing into a single, unified political unit. The European dream of De Gasperi, Adenauer and Schumann, conventionally considered the founding fathers, was born from the commitment to avoid the third world war with the project, unfortunately left on paper, of developing economic, political and social integration among the European countries as means for fostering peaceful coexistence and mutual support. This sentiment was believed to allow the removal of all possible reasons for conflict. Indeed, in 1975 the EU signed the Helsinki agreements on security and cooperation in Europe with the USA, USSR and Canada, from which the OSCE was born. Today, unfortunately, the European Union essentially remains “an economic giant but a political dwarf” It is believed that this definition was given by former US Secretary of State Henry Kissinger: "Europe is an economic giant, a political dwarf", but there are no certainties on the matter). The European Union, in essence, has betrayed the great expectations that had led (Volpe 2021) to its birth, in particular the passive acceptance of the economic system of neoliberalism (Mincuzzi 2024), instead of increasing the “Europe of the peoples” and the deliberative democracy aware of its citizens with greater participation in decisions. As some scholars have stated: “Central bankers... preferred to save the credit institutions than invest in training, healthcare and the fight against climate change. Thus, they have contributed to increase the concentration of wealth, because the richest benefit from the growth of stock market and real estate securities enabled by the acquisition of securities and public money, while the savings of less well-off people are crushed by inflation. European rules on the free movement of capital have proven to be so extreme that even the International Monetary Fund has decided to reintroduce some forms of capital controls. The new European rules have also contributed to aggravating fiscal dumping (when a state offers lower taxes to attract foreign companies and people): unlimited reduction of corporate tax, development of tax havens, tax imposition” (Piketty 2024, p. 38). Furthermore, the policy of the European Union lacks a role that would effectively be autonomous from the interference of the United States and that would also be particularly proactive from the point of view of human rights and participatory democracy. Moreover, Europe should have tried to defuse the increasingly less latent conflict between the United States on the one hand and China and its allies on the other. The current conflict in Ukraine, with all its geopolitical implications, seems to be a further proof of this thought. If Europe had been truly autonomous and capable of expressing a unitary foreign policy (which sadly it is not the case), it would have been the best possible mediator, with the possibility of resolving the problems linked to the autonomy of the Russian-speaking regions within a new democratic, neutral and federal oriented Ukraine. Furthermore, historically wise, in place of American turbo-liberalism, the EU has almost always supported, without managing to have any impact (Somma 2021), the concept of a “democratic management of globalisation”. However, the reality is that EU countries have, over time, become much more dependent on globalization than the United States. In fact, starting from the 1990s up to today, European integration in global value chains has grown by 20% more than that of the USA. Europe depends on the rest of the world for almost

everything: both for traditional production factors (energy, raw materials, labour) and for new and future ones (chips, batteries, memories). During this important moment of epochal turning point, Europe seems to be just a large market very rich in capital, but at the same time, also a continent poor in everything needed today and for the future to prosper. In short, the European Union, in addition to not having a leading role as promoter of the “revolutionary idea of freedom realized for each and every one in a European context in which... a free society is created, in which everyone is recognized in their original expressiveness...”, it does neither have the fundamental “strategic autonomy”, both political and economic, nor any good plans to “re-industrialize” or “regionalize” its economic processes. Hence, Europe is, once again, demonstrating its absolute inability to understand the future of the Euro-bureaucrats. The magic word “innovation” is circulating all around the globe: in energy, in systems, in processes, but at the moment the necessary funding is being diverted to useless military spending. In recent years, the speed and cost of technological innovation have been greatly facilitated by the growing collaboration between all global players, with continuous exchanges and global interdependence. But today we are moving, inexorably, in the opposite direction, or at least as far as we Europeans are concerned. At the moment, Europe is partly cut off from some of the industries it needs the most in order to calmly face its necessary and extremely useful energy transition. In fact, we note the important and disruptive Chinese supremacy in the industry of advanced technology of solar panels and the materials needed to build them. China produces nearly 95% of the world's polysilicon (Polycrystalline silicon is used in particular applications such as photovoltaic panels. Furthermore, polysilicon often replaces aluminum for the creation of metal parts inside semiconductor electronic devices due to its better mechanical resistance to the integrated circuit production process) and more than 80% of the world's solar panels. Yet, it accounts for only 30% of global demand (As of 2023, China has installed more than half of all new solar and wind power in the world; in particular: 50% solar, 60% onshore wind and 70% offshore wind. It installed 150 GW of new photovoltaic systems alone in 2023 (more than all those existing in Europe), and is also the first for new nuclear and hydroelectric power. Furthermore, in China all kinds of storage systems are being tested on a large scale: from batteries to compressed air, from pumping to flow batteries, from hydrogen to gravity systems. This unparalleled effort in the world has led China to drop below 50% of its electricity generated with fossil fuels, three years before 2025). On the contrary, Europe produces less than 3%, with unit costs 35% higher than Chinese production, but "consumes" 16%. Within the context of this new global panorama, primary supplies are fundamental; in particular raw materials, but also knowledge (for example such as concretely knowing the geography of available resources). The current, emerging international context reveals that Europe is acting more as a supporting player rather than having a relevant role, one which it could easily play due to its history, tradition, wealth and cultural development of fundamental human rights, economic capacity and well-being. Furthermore, the Old Continent is, in name and in fact, also the oldest continent in the world in terms of the average age of its inhabitants. This entails, at all levels, limits to innovations for several cultural reasons as revealed by the notable lack of turnover on the part of the younger generations, increasingly small in number, which often translates into political choices, practical priorities and economies with non-progressive, often conservative characteristics.

The risk of this European unpreparedness is that it will eventually be its members of both the middle and working classes who will pay the price; one which will inevitably generate political repercussions. Let us look, for example, at Italy which throughout history has

always proven to be a cutting-edge cultural, economic and political laboratory (just think of the Renaissance with its proto-capitalist forms, or of fascism that was born and prospered in our country and the strong birth rate which characterizes us for a few decades). Indeed, many of today's conflicts have had as their "first unmoving engine" the socio-economic malaise of the Western middle class who witnessed the share of global growth and income decreasing, year after year. Current events see the entire world population having a very uncertain perception of the future, with increasing insecurities and social inequalities. These sensations are much more problematic and widespread in Western societies, especially in Europe and the American Midwest. Conversely, they seem to be rosier in some parts of the world, especially in some very dynamic Asian societies. In reality, the Western ruling classes still hold the essential reins of the system for the functioning of global society and do not seem willing to share them with the rest of the world while the ruling classes of emerging countries have the urgent need to replace and counterbalance those who still seem to hold global power today. The alliance of the BRICS countries, which has increasingly strengthened and expanded, with the continuous accession of new member countries, demonstrates that things will change but we do not know how, much less when. The only certain thing, at the moment, is that a European Union dominated by the economic interests of the United States is condemned to lose its political, cultural and economic prestige, instead of becoming a possible autonomous Continental power and respected mediator of conflicts in the new world "order". Fortunately, and despite political tensions and various forms of "embargo", trade continues, although with less impetus than before. Given the close mutual ties between the European Union and China, built to mutual advantage in the past years, the immediate and radical breakdown of trade would in fact be a huge, almost irreparable damage for all economic partners who, despite a political situation of growing tension created from the United States, like to reveal that their commercial relationships are guided by a strategy of reducing risks instead of a desire for disruption. The striking fact to keep in mind is that American imports from China have continued to grow, albeit slightly, just as American exports to China have. The situation is no different between Europe and China, where trade continues, albeit with variable outcomes from sector to sector. However, the iron restrictions on the export of advanced technologies, the control of foreign investments in the EU and of European investments abroad are helping to prepare for an uncertain future. We are certainly not at the end of globalization, but we glimpse at a strong correction, as a result of which global growth is destined to fall and the price of goods to rise. A fierce struggle seems to have begun to attract those "extra jobs" which the transformation of globalization can make possible. The tools for this attraction are essentially two: the many public subsidies for high-tech companies and the low cost of labor for less advanced sectors. The United States has made strong investments available in this type of race, while in Europe the response has been divided into two parts. On the one hand, Germany and France, as always, are attracting cutting-edge technologies by all means. The rest of Europe, unfortunately, is attracted by the low wages of Romania, Hungary and Bulgaria. In this transformation, the role of other European nations is not yet clear, including Italy, which at the moment does not seem to have much autonomy, especially in decisive and important foreign policy issues since European countries are unable to play a political role free and autonomous from the indications of the United States of America. A more homogeneous and fair distribution of power at a global level would be necessary. We Europeans must try to continue along the path of political and democratic integration of

the European Union, going well beyond the ratification of the Treaty of Lisbon and finally giving the European Parliament the legislative and appointing power of a truly democratic federal government. We must advocate for the implementation of a unitary policy. We should have, for example, a European Treasury Ministry, a European Foreign Minister, a democratically elected President of the Union in office for a mandate long enough to allow him to have a political project and responsive to the real demands of the European citizens. Within the prospect of a world governance, therefore, greater weight must rightly be given to emerging countries. I would suggest to advocate for real democratic participation in all the countries of the world, reviewing in an inclusive and participatory way the current organization of world institutions which, until now, have always been under the restricted direction of Western governments. These institutions must in fact adapt to the new balances, and finally be truly more democratic, and it is absolutely necessary that political bodies such as the UN Security Council and the various economic agencies such as the IMF and the WTO would reflect the need to include in decision-making policies all the countries of the world. Along these lines we must try to promote real, adequate and widespread development for all the nations of the world, which first of all abandons the most shameful and unjust aspects of the predatory capitalism of some nations, especially Western ones and of the neocolonialism that have inexorably characterized world politics to this day.

A new fundamental law for all the peoples of the earth.

A possible and useful solution is proposed by Luigi Ferrajoli who suggests the approval of an "Earth Constitution" (Ferrajoli 2021, 2022) which just like the national Constitutions would eventually provide a legislative reference and, above all, would act as a brake on those who still want to pollute and therefore destroy the planet, or to who wants to be, at all costs, the only hegemonic power. The main task of this Constitution should be to encourage participation in important political decisions, or lay the foundations for doing so, by all citizens of the world. One of the fundamental "lessons" that the pandemic has taught us is that the, unfortunately, multiple emergencies and catastrophes of our time can only be responded to by going beyond the borders of national states and "imposing rigid limits and constitutional constraints on the currently wild powers of politics and the economy" (Ferrajoli 2021). The author analyzes the contemporary legal reality: "If it is true that constitutionalism consists of a system of limits and constraints on otherwise wild powers, to guarantee the principles of justice and constitutionally established fundamental rights, then we must recognize that today, compared to that constituent period, both the powers that the constitutions have the task of limiting and their attacks on fundamental goods and rights have changed. The powers on which our future depends today are above all the political ones of the great powers and the economic and financial ones of the global market. Furthermore, the relationship between politics and the economy has changed, to the point of being overturned: due to the predominantly local character of politics and the global character of the large economy, it is no longer the former that governs the latter, but vice versa" (Ferrajoli 2024). To this statement we can add the fact that with the end of the "illusion of a world peacefully unified by the market economy and the export of democracy, global interdependence requires a new balance between sovereignty and international law" (D'Attorre 2023). In this context, Ferrajoli believes that approving a world constitution is the only way to ensure the survival of humanity itself and not let it "succumb" (Ferrajoli 2021) given the current situation, which already sees a future of

global ecological catastrophe possible which unfortunately does not seem easy to currently avoid. The pandemic that exploded worldwide in 2020 is not in fact considered as an isolated event which, once over, will allow us to return to our previous life without changing anything and without worries. On the contrary, we must connect the epidemic crisis with other equally serious and macroscopic phenomena which are far from being exhausted. We find ourselves faced with an involution, with wars, barbarism and catastrophes which do not represent an inevitable destiny of man, but rather the fruit of precise economic and political choices which, as such, can always be rationally corrected in order to succeed to at least avoid the most harmful consequences (Colombo 2022) Ferrajoli considers it possible to create a “cosmopolitan democracy” (Ferrajoli 2021) and hopes for the possibility of the progressive construction of “global legal orders” as the best (always perfectible) vehicle for the affirmation, and reaffirmation, of rights and democracy itself in the contemporary world (Ferrajoli 2019). In a very concrete and explicit way it tells us that there is the need for a multi-leveled governmental development, as well as a multi-dimensional constitutional democracy capable of limiting global, economic and political powers, which today do not recognize rules. Indeed, the latest events, with countless wars in which powerful nations invade other ones and less powerful nations, whose defenseless civilians are massacred (especially innocent children), demonstrate the urgency of putting a stop to this barbarity. The proposal to build “a supranational constitutionalism capable of filling the void of public law produced by the asymmetry between the global character of today's extra-state powers and the still predominantly local character of constitutionalism, politics, law and the related functions of government and of guarantee” (Ferrajoli 2021) becomes absolutely urgent and necessary. Ferrajoli thinks that the effective enjoyment of fundamental rights, such as the right to a clean environment, truly recognized by all people will lead to a commonality of views. The starting point had already been identified by Norberto Bobbio who had theorized the presence of a *consensus omnium gentium* relating precisely to the existence of a commonly accepted list of inalienable “human rights” (Bobbio 1997). Whatever one thinks, the real possibility of founding a basically democratic global order that ensures peace, freedom and justice has fascinated human thought for centuries (starting from Kant's writing on perpetual peace), the political one in particular. International law itself should lead a future perspective to a federation of free states as Kant already glimpsed and Kelsen better specified (Kelsen 1989, In this work Kelsen with undoubted originality and with an impressive theoretical elaboration proposes a perspective defined by scholars as 'monistic' in opposition to both the theory of the primacy of state law and that of the equal pluralism of the sources of law. For Kelsen there is only one legal system that includes domestic and international law within a single normative hierarchy). All human beings living in a rational way, as supported by the thinking of all legal globalists (As Danilo Zolo explained to us: «The expression "legal globalism" is very recent, but the notion to which it refers is a development of the cosmopolitan philosophy developed in Greece by the Cynics and the Stoics, and which then had wide resonance in Mediterranean cultures, including the Roman one. Christian universalism also developed in the wake of Greek cosmopolitanism and the European Enlightenment finally took up and reworked the ancient lesson in both political and juridical terms. Christian Wolff revived the old Christian idea of *civitas maxima*, updating it as a "universal community of men". And Immanuel Kant, in the famous essay *Zum Ewigen Frieden*, of 1795, conceived the idea of a League of Peoples which would have to establish a "global legal order" or

"cosmopolitan law" (Weltbürgerrecht), having as its aim the promotion of a stable and universal peace. In the context of the processes of globalization underway today, the expression "legal globalism" can therefore be used to designate the current of philosophical-juridical thought that dates back to Kant and his idea of "cosmopolitan law". Through the mediation of the epistemological neo-Kantianism of the Marburg school, this current developed in the first decades of the twentieth century until it found its maximum expression in the grandiose theoretical-juridical construction of Hans Kelsen. Subsequently, in Italy, the legal and political philosopher Norberto Bobbio advanced the proposal of a "legal pacifism" which aimed at the idea of the political and legal unification of the planet. In German culture, the philosopher Jürgen Habermas has been an authoritative supporter of legal and political globalism for decades, whose theses are similar to Ulrich Beck's sociology", (Zolo 1998). Repudiate war and seek the common good in compliance with supreme law and rights. Ferrajoli's proposal for a world Constitution implies the use of innovative characteristics because it must respond to global problems unknown in other eras and protect new rights and vital goods which were unthinkable in the past. Inexorably, climate warming, the danger of conventional and nuclear conflicts, increasingly glaring inequalities, hundreds of thousands of migrants fleeing wars and environmental catastrophes, mark our present and future horizon. In his words: "It is not a utopia. It is the only way to save the planet, to address the growth of inequalities and the death of millions of people around the world due to hunger and lack of medicines, to deal with the drama of forced migrations, to defend ourselves from the savage powers that threaten the security of entire populations with their nuclear weapons."(Ferrajoli 2022). Following his statement, it should be our duty to highlight the existence of all serious problems at a global level which cannot be resolved at a local or national one, on which depends the survival of humanity. These serious problems essentially depend on the absence of limits to the wild powers of global markets beyond the classic politics of greatness between the various old and emerging state powers of the current world. Only through the implementation of strong constitutional laws, recognized by all, it would be possible eventually to introduce, for example, a planetary state property to protect all the vital goods of nature which are necessary for human survival. Only a strong law can succeed in banning weapons, starting with the most dangerous ones; that is nuclear weapons. Only a law that is valid and respected throughout the world will be able to guarantee fair taxes and progressive taxation banning those tax havens that still today favour tax evasion. With new and suitable global guaranteed institutions in defense of the rights of freedom and implementation of the social rights of all, the effective universalism of human rights can be achieved; that is peace and ultimately the ability to live in order to preserve the survival of humanity (Padgen 2023, Where the author asks the question whether «Is it possible today to think about governance of the planet and global citizenship? So imagine another geopolitics, beyond the boundaries of the traditional one? None of the great challenges that our present poses - the protection of the environment, the rational use of energy sources, the health of our species and with it of all living things - can now be faced by a single country, however powerful. From this observation arises the need to think about something that until now had seemed only pure utopia: the prospect of a government of the planet that definitively goes beyond the borders of nation-states, even when these tend to take the form of empires. On the other hand, expressions such as "international justice", "super-territoriality", "transnational government" fill our news, despite the horrors of a war of aggression on the gates of Europe; and we are beginning to become familiar with the idea of a global civil society, something like a truly

planetary civilization. This very lucid, realistic and visionary book, written by a great historian, projects us towards a possible future not only for the West, but for a world finally at peace with itself'. This initiative must take into account, in the wake of the best democratic constitutional tradition, the rules contained in current international constitutions and charters and must make use of all the guarantee techniques that have been devised over the years to make people's rights effective. We must remove very personal goods such as parts of the human body, all common goods such as fundamental natural and environmental resources from the market, to be protected through the establishment of a global public property, and social goods, available free of charge to all, such as life-saving medicines, -life, vaccines and adequate and healthy nutrition for all. It is proposed to overcome the individualistic logic of rights, stipulating the unavailability and inalienability of vital goods in the absence of which the same rights are destined to remain only on paper. What sense does it make, for example, in proclaiming the right to health without recognizing free access to medicines or drinking water? Or affirm the right to a dignified existence while forgetting to guarantee present and future life on our planet in all its forms? This seems to us to be the first purpose of the "Constitution of the Earth", together with the maintenance of peace, the promotion of friendly relations between peoples and the realization of substantial equality with the total and ultimate recognition of social rights. Similarly, we hope for the provision of a catalog of goods to be considered illicit; the production, trade and possession of which must be prohibited, such as nuclear weapons, weapons of offense and death, hard drugs, radioactive waste and all toxic or hazardous waste. The "Constitution of the Earth" should ensure the effectiveness of the absolutely inalienable right to peace and survival of all the inhabitants of the planet, and of the planet itself. Hence the provision for the dissolution of the national armies and the entrusting of the monopoly of the production and possession of weapons "limited to those necessary for the exercise of public security functions", to the local, state and global police forces (proposed in the 'art. 77). Last but not least, the ban on activities that cause irreversible damage to nature (art. 56). A second aspect worth underlining concerns the ownership of rights. Other Declarations, unfortunately recent, such as the Nice Charter, (There were great limits in wanting to impose the European Constitution from above, quite the opposite of what was hoped for by the great philosopher, supporter of participatory and deliberative democracy, Jürgen Habermas who identified the Constitution and its development path as the path that would lead to the genesis of a constitutional patriotism centered on values, around which the foundations of a common civic and political identity would be created (Habermas, Zagrebelsky 2003). Based on this approach, the absence of a European demos as a starting point did not represent an insurmountable obstacle: making a constitutional Europe an indispensable culmination of an increasingly pervasive integration but still lacking an adequate channel of communication between the institutions and citizens, they would also become Europeans. In reality we can speak of a real failure: «On 13 December 2007 the Heads of State and Government of the Member States of the European Union will sign the new Treaty in Lisbon which closes the long two-year period of the "period of reflection "decided by the European Council in 2005, after the failure of the European Constitution decreed by its rejection in the French and Dutch referendums and by Great Britain's decision to block the ratification process, postponing it indefinitely", (Ornaghi 2000) which convincingly points out how «the non-existence of a truly continental party system and the paucity of European civil groups and movements make it difficult for that network of intermediaries

to develop, between public institutions and civil society, which constitutions and democracy need for work". Naturally, there are many positive aspects of the Treaty of Lisbon, in fact it should be highlighted that: «Among the innovations of the Lisbon reform, the principle of participatory democracy deserves particular attention. It joins the traditional one of representative democracy with a view to better participation of European citizens in the democratic life of the European Union" in (Morgese and Triggiani 2011).

Have not been able, most likely there was no political will, to address the issue of access to rights which, even when proclaimed as universal, require the possession of citizenship or legal entry and residence permits in European territory. The formula that we read in the Preamble of the Nice Charter, “places the person at the center of his action by establishing citizenship of the Union” – today sounds extremely hypocritical in the face of the contempt shown by the institutions of the EU, and the states that are part of it part, they show for the lives of women and men without a “privileged” Western citizenship. The draft Constitution we are discussing, however, in art. 5 recognizes all human beings as “citizenship of the Earth” and, for the rest, it avoids using the word “citizen”, attributing rights - all rights, without any exceptions - to people. Unfortunately, historical experience has shown us that, up to now “Only a dominant hegemonic power, with some allies in a subordinate position, can be able to give life to a new world order, that is, to establish the rules and impose respect for them on other subjects. In the past, the powers that have succeeded—France after the Thirty Years' War, the United Kingdom after the Napoleonic Wars, and the United States after the World Wars—have all followed different paths and fulfilled that role in different ways. There is no framework to which the Chinese (or any other potential hegemonic aspirants, assuming that the Chinese consciously aspire to it) can draw inspiration. But they all went through calamitous wars from which they all had well-founded hopes of emerging victorious. Today, that condition does not exist, not for China, nor for anyone else. And not even, obviously, for the United States itself, which finds itself in the unprecedented and embarrassing position of sabotaging part of those rules that they themselves had imposed on everyone else at the end of the Second World War. Further proof that it is not the rules that determine the relationships between the powers, but the relationships between the powers that determine the rules” (Graziano 2023). Very probably these realistic and crude conclusions seem, in some way, pessimistic but they must lead us to hope that in conditions of balance and multipolarity between the world powers there may finally be the conditions to establish democratic rules, with a democratic Constitution of the World. It is clear that in addition to being a “right” goal, it is convenient for everyone, from every point of view, to at least try to avoid bloody and absolutely destructive conflicts. A nuclear war cannot rationally be imagined, with the possible consequence of the end of life for all living beings on the planet. This is why the world of post-globalization and the desirable end of a single dominant super power can lead to new hopes and possibilities for the entire human race, with peace and collaboration between all peoples. The essential role of law and legislation, starting from the fundamental ones, must face the transformations of the contemporary world (Very radical and difficult transformations to interpret, such as globalization and post-globalization, the new role assumed by principles with respect to norms, the multiplication of power centers in today's increasingly multipolar world, the strong impact of new technologies and intelligence artificial and, last but not least, the growing complexity of increasingly interconnected and over-communicating societies), by becoming even more indispensable for the protection of the human rights which, by definition, belong to every human being.

Therefore, a positive and constructive dialogue between different nations, institutions and cultures is an essential way to ensure that there is a better future in our increasingly “plural” world; indeed “Just like languages, humanity is plural. And if it can communicate internally, that means it has something in common.” (Zaccaria 2022). Another aspect which is of fundamental importance is that together with the classic principles of the democratic constitutional rule of law, social rights should be taken truly seriously; that is all those rights that allow everyone to live a truly dignified life. It is through the respect for social rights that the cultural and professional growth of all human beings is achieved since not only they enable everyone to fulfill themselves in life but they allow us to become informed citizens in decisions and participation of democratic political choices. It is of fundamental matter to ensure that the principle of legality and the effective separation of powers is always respected, with an absolute autonomy from politics and thus from the possibility of being influenced by both legal and hidden financing of multi-billionaires as unfortunately happens in today's world in many democratic countries. According to Bernie Sanders in the United States today: “By controlling so much of our politics and media, billionaires are free to increase their wealth and power at exponential rates”(Sanders 2024) Furthermore, Sanders highlights that «Large corporations and Wall Street interest groups, the pharmaceutical industry, insurance companies, defense contractors and fossil fuel companies finance both political parties at the same time. Whether you're a Democrat or Republican, billionaires and Big Money interests want you on their side. They understand that a few million dollars in campaign contributions are peanuts compared to a provision in legislation – or the removal of certain provisions... – that could pave the way for the possibility of making billions in terms of corporate welfare or tax deductions,”. This undeniable having in common the fundamental rights, which belong to every human person, must and can be the starting point for the world of the future. Otherwise, we will not be able to have a future worth living at least for the majority of the human race. But we must always be able to understand that «political democracy must be ready to redefine itself in light of the recognition of the new demands and new needs that arise in civil society. It is a fragile space subjected to permanent tensions, within which it is a question of balancing the dialectic between freedom and equality by resorting to solidarity policies that impose shared forms of life free from the dictatorship of the market. In fact, what needs to be rethought today is the very idea of modernity which was at the basis... of all European social democracies: a development of the productive forces which in its linearity would have generated the transition to socialist society. Socialist society understood as an exit from poverty and scarcity. ... political democracy must be ready to redefine itself in light of the recognition of the new demands and new needs that arise in civil society. It is a fragile space subjected to permanent tensions, within which it is a question of balancing the dialectic between freedom and equality by resorting to solidarity policies that impose shared forms of life free from the dictatorship of the market. ... it is therefore a question of rethinking the history of European and global modernity, especially that which extends from the Second World War to the present day” (Fistetti 2023). In the current era where technological progress allows for sensational work productivity, the conditions can be created to guarantee peaceful and dignified living conditions for everyone throughout the world. Certainly “in the 21st century we can put an end to a ruthlessly competitive economy in which most people struggle to survive while a handful of billionaires own more wealth than they will ever spend in a thousand lifetimes”(Sanders 2024). However, there still exists something extremely important and necessary to make a better world

possible which is actually free: quality education open to all. It is absolutely fundamental to guarantee high quality education to all and provide them with the deserving right to study to the highest levels, otherwise: “Students condemned to poor or apparent preparation, or even ignorance, more easily become victims of power. They are very weak, defenseless citizens, open to any improvised and noisy influence. Whoever ruined the school also seriously injured the Republic, the democratic system, individual freedom and awareness of rights. I hope someone notices this sooner or later. Future citizens are thus made more fragile and manipulable. I don't want to appear too pessimistic, but the success of impetuous and simplifying movements in terms of political struggle can also be explained by this cultural weakness.”(Canfora 2013). The influential idea of the Nobel Prize winner for economics Amartya Sen is undoubtedly that people's well-being cannot be linked only to income, but must be interpreted according to the goods and conditions that make the subject, all people, able to express their abilities, both practical and intellectual, and, therefore, to promote their goals. The study of economics itself, although linked in an immediate sense to the pursuit of wealth, “at a deeper level is linked to other studies, aimed at the evaluation and advancement of more fundamental objectives” (Sen 1988). Sen speaks of “capability” as the freedom to realize multiple alternative combinations of functioning in the organization of society. According to Sen, it is necessary to overcome the idea according to which political freedoms are less relevant in developing and underdeveloped countries due to the “overwhelming brutality” of economic needs. At the same time, economists, although they have always been interested in inequality, should change their perspective and not only focus on income inequalities, but also contemplate those regarding the respect of effective substantive rights, such as a type of education which is guaranteed to all. In essence, ensuring that equity also concerns “ability”. Sen, poses as a requirement for the education and training of human beings, that with the promotion of the freedom of... a protection of freedom from. Is also guaranteed, that is, a condition of absence of economic and social constraints that imprison the subject, guaranteeing the possibility to make choices and decisions freely and critically (Sen 1997).

The role of education and instruction according to this perspective can be perceived as one of the agents capable of keeping the link between development and freedom alive. Even if Sen refers to education in his texts, in reality his approach not only underlines the need to transmit knowledge and skills through school, but it also advocate for the promotion educational opportunities, understood as enculturation and training, that is that everyone “builds” - gives shape to - themselves according to their own potential. Educating, instructing and training should first of all mean addressing the lack of freedom rooted within our society and, in particular, nurturing civil and political liberties. Since participation, which is a requirement both for freedom and for development, requires knowledge and skills which are both nurtured and acquired only with basic schooling, “denying any group – for example girls – the possibility of going to school is opposing directly to the fundamental conditions of participatory freedom”(Sen 200). Sen clearly shares John Dewey's ideas regarding the mutual dependence between democracy and education Dewey 1965). In order to truly have a constitutive and protective role for development, a democracy should take into account the inter-connections between freedoms. policies and the satisfaction of economic needs. For Sen, all human beings must be considered as creatures who, if placed in the right conditions, actively engage in “forging their own destiny”, without limiting themselves to passively receiving a development program. This point of view distances itself from the prevailing concept according to which the “economic man” pursues only his own personal interests (Sen

1988). In fact, states have very important roles in strengthening and safeguarding human “capabilities”. However, in guaranteeing support for citizens, they must not expect to order and direct people as happened in states with a planned economy such as the Soviet Union (The Soviet economy was the second world economy for many years in the twentieth century. It was an economy based on state ownership of the means of production and mobilizing planning focused on the concentration and mobilization of resources for a specific objective, established by state leaders. , with no possibility that these decisions could be changed. Furthermore, there was a command administrative management system, an extremely high level of bureaucratization, state monopolization and a gap between the level of economic development and that of personal consumption of its citizens. Money-commodity relations in the economy of the USSR played a secondary role: only 14% of all industrial products entered the market system, while the remaining 86% of industrial products were distributed by bypassing market mechanisms and via methods of administrative command. In this system personal freedoms were very limited even if social rights were guaranteed much more than in the rest of the world). By placing freedom at the center of the ends and means of development, society's task becomes that of creating social opportunities that directly contribute to expanding human "capabilities" and the quality of life. An expansion that should concern not only, nor primarily income, but also healthcare, education and social security. Stiglitz has often spoken on the topic and believes that “The 'good school' [like a good university] helps you to be free, it allows you to reason and make informed choices; bad education seeks to indoctrinate and inculcate ideologies, to rely on blind faith and social coercion.” (Lectio Cathedrae Magistralis “An economy for a just, free, and prosperous society”, speech given by the 2001 Nobel Prize winner for Economics Joseph Eugene Stiglitz on the occasion of the celebrations for the eightieth birthday of the professor of Columbia University in New York promoted in Milan by the Catholic University, 26 May 2023. In the same speech Stiglitz stated «The conception of the market economy that has prevailed over the last forty years, neoliberalism, has not given positive results" in the pursuit of a "good society", revealing itself to be "not very sustainable from an economic, social, political and environmental point of view". Instead of bringing about balanced economic development, with the growth of income and wealth for all, it has only contributed to promoting "enormous social inequalities". For Stiglitz, «the increase in economic and social inequalities that neoliberalism has fostered represents the antithesis of what one might think of as a good society», furthermore he criticizes what he defines as «the supporters of unconstrained capitalism [according to whom it is necessary] to maximize the economic and political freedom of the individual [and] to limit excessive government interventions". According to the Nobel Prize winner, in fact, «unconstrained capitalism limits the freedom of most individuals to fully realize their potential. The real danger of neoliberalism is the destruction of values and the weakening of freedoms." Contemporary capitalism with its incredible excesses and lack of sufficient protection for the weakest sections of the population "is threatening democracy". Not only that, «The irony is that, in a system thus conceived, capitalism cannot prosper» since it does not, in any way, have the «trust» necessary for its functioning. A lack of trust which, consequently, «makes it almost impossible to address climate change with the necessary urgency and scale. The health and survival of millions of people is at stake, yet we may not be able to do anything." In short, he denounced, "capitalism is creating a type of man who will end up devouring capitalism itself" which "without reforms may not be sustainable". According to Stiglitz, the alternative to this system is a “progressive capitalism”, a

conception of the market economy that offers the “promise of a prosperous economy in a more just, free, and inclusive society and «entails a better balance between the State, market and civil society, with a range of institutional arrangements, including cooperatives and non-profit institutions. Progressive capitalism can only function in a democratic state; and a State can only be truly democratic with systems of checks and balances, which do not work if there are no adequate control systems". Rather than perpetuating capitalism, in any form, we should think about changing the way we see the world by drawing inspiration from solidarity and respect for the human person. Ultimately, capitalism cannot be the engine of infinite growth and accumulation as the world and its resources are finite.

The theme of adequate education open to all has always been of fundamental importance for some of the people who have left an indelible mark in history. Among them Nelson Mandela, Nobel Peace Prize winner, who considered education as the most powerful weapon for changing the world. From a good and rich education both thoughtful women and men are born and both can fully participate in the social, political and cultural life of their country, working together for the common good while protecting their own. Education is, quoting Malcom X, “the passport to the future, the means to prepare to face it”. The opportunity to access a good qualitative education for all promotes tolerance and defeats prejudices and teaches us that humanity has common interests which go beyond geographical boundaries, ethnic groups, religions and skin color. It ultimately teaches us that working together is more important than competing. The four-time US president Franklin Roosevelt reiterated in various speeches that “Democracy itself cannot succeed if those who express their choices are not prepared to do so with caution. The true safeguard of democracy is therefore education.” Bernie Sanders has been focusing his political thought on these concepts for years and has always supported “the battle for universal and quality education, at primary and secondary level, and for free colleges... making them more accessible and more engaging... It's about making our societies better. And it is a vital battle to defeat the threat of authoritarianism.”(Sanders 2024). Therefore, only fostering quality and achieving an adequate public training and education can allow citizens to be creative and engaged in order to make democracy and society work for the good of all. We must recognize that education has a fundamental value in creating a much freer, fairer and more egalitarian society. Especially when schools and kindergartens in the most disadvantaged areas receive additional resources and funding to have more trained, motivated and well-paid teachers, extra programs and smaller classes to encourage everyone's learning. Already in the 19th century, the American reformer Horace Mann supported the fundamental role of education, describing how “education is the greatest equalizer of the starting conditions of individuals, it is the balancer of the social machine” (Sanders 2014). Inserting education and continuous training for all people as a mandatory fundamental right in the future world Constitution would mean laying the foundations of a new, certainly better world. But naturally other topics that are very neglected today should also be put on the agenda and addressed, such as the issue of inequalities and that of monopolies, with the ever-increasing weight that the few super-rich people have in political decisions Held 1989, Where all the important issues are highlighted such as the growing concentration of ownership: the global media is dominated by a small number of huge and very powerful business groups. Transition from public to private ownership with the privatization of media and telecommunications companies in many countries. Development of transnational corporate structures with companies in the sector no longer operating within rigid national borders. Integration of media products with the media industry much more integrated and less segmented than in the past. Increase in corporate

mergers, the tendency for alliances between companies belonging to different segments of the media industry has established itself. The dominant position of industrialized countries in the production and diffusion of media products has led many observers to speak of media imperialism. At issue is not only the survival of many cultural specificities: the control of information by the major Western communications companies means that at a global level the "first world" is constantly privileged, while attention is paid to developing countries especially during disasters, crises, wars or other violence. It seems obvious that a plurality of subjects must operate in the media sector in the public interest, because this ensures that different groups and opinions are listened to. But limiting the ownership and use of technologies can affect the development of the sector. Legislation on the mass media could start from the recognition that the control of the market by a few large companies is a threat both to economic competition and to democracy itself. Competitiveness means pluralism, and pluralism is assumed to be a good thing for democracy).

The clear certainty is that the concentration of ownership of the mass media in fewer and fewer hands causes serious problems for the correct functioning of democratic life. Indeed, "A healthy democracy cannot thrive if the most important problems affecting it are largely ignored due to the enormous conflicts of interest implicit in a media system controlled by a few large corporations"(Sanders 2024). Our current society is marked by a profound crisis of citizens' trust in politics, particularly evident in the Western world. Anger and dissatisfaction with conventional parties and their leaders is increasing day by day. Populism and anti-politics very often triumph, with arguments that are not always flawless, over democracy (Thompson 2017), Where we study the change that has affected the language and way of arguing in public debate. In a world of information increasingly disrupted by digital technologies, in which news chases each other incessantly and has an increasingly shorter lifespan, comments are increasingly hot and devoid of the necessary in-depth analysis, anyone who owns a mobile phone has their say on social media network on any topic and politics seems incapable of addressing the real and serious problems of the contemporary world, how can we have a place to seriously discuss important issues?, how will it be possible to make decisions in a thoughtful and shared way? And be able to form a truly informed public opinion with the appropriate skills?).

To this we must add that in the current world of cultural consumption a real revolution is underway, in fact until a few decades ago national media systems reigned almost unchallenged, today these are replaced or incorporated by the streaming giants. In this way, a mass culture is given shape that does not take into account local or national realities, but global, worldwide platforms, capable of assimilating, to a minimal extent, local cultural traits from a position of strength and then manipulating them, making them attractive to the world market. We are faced with a cultural hybridization characterized by an enormous asymmetry of power struggle between global platforms and national cultural systems, especially in those areas that are not able to compete in the technological dynamics of the twenty-first century. These platforms, from "simple" IT systems have evolved into the key infrastructure of the global economy and into giants capable of eroding and putting national sovereignties at risk by exploiting, in the era of extreme content personalization, the capacity of massive extraction of personal data (Balestrieri 2021). We know very well that in current societies "Power is more than communication, and communication exceeds power. But power is based on the control of communication, just as counterpower depends on breaking that control" (Castells 2010). Therefore, only by

democratically controlling mass communications can we hope for a world where the quality of life for all is the ultimate goal of democratic law (Kelsen 1985, Viola 1991); one which must guide the social life of all people. Furthermore, considering that fact that we are living, at a global level, in years of significant changes which will probably lead us towards a more pluralistic and multipolar world characterized by competing emerging countries without a truly predominant and powerful nation, we must try to create a truly democratic and representative international institutions that are adequate for the governance of the world system as soon as possible. On the emergence in the current world of «serious political and social conflicts within countries due to the greatest disparities in wealth, political ideas and values; and the rise of a world power (China) that challenges the incumbent power (the USA) and the existing world order", see (Dalio 2022).

These new institutions should be founded on the recognition of both interdependence and political, legal and cultural pluralism. It would be absolutely necessary to launch a new inclusive monetary system and agree on the renewal of the World Bank, Monetary Fund and Trade Organization, seeking the collaboration and effective involvement of all countries (Greco 2021) Where it is highlighted how the law necessarily also brings into play our relational resources: solidarity and cooperation, in other words mutual trust. Rediscovering the space of trust in law is not only a way to bring to the fore the responsibility of those who act and those who create legal culture, but it is also the only way to bring the best qualities we possess back to the center of our legal discourse. In possession.

Law, applied to the implementation of a world constitution, should play a fundamental role in structuring and stabilizing this possible new global order. Ultimately, the role of law cannot exist without mutual recognition of cooperative and fiduciary relationships between states, just as it happens among people. Indeed, the current moment presents extreme dangers and adversities: "Humanity is currently experiencing one of the most dangerous periods in its history. To some extent, what is happening is unprecedented, but in others it remains in line with the conflicts that have pitted the West against its adversaries in the past"(Maalouf 2024), All this because we live in an era where: «A devastating war strikes the heart of Europe, the Middle East is inflamed by tensions that have never subsided, we feel almost daily threats of nuclear attacks that we thought belonged to the past. Conflicts multiply and intensify, the tug of war between the West, Russia and China conditions the world stage and influences our way of life, to the point of calling into question the very foundations of our civilization... the origins of the confrontation between the West and the its adversaries, [can be summarized as follows]: Japan, the first Asian country to challenge the supremacy of the "white" nations, champion of surprising accelerations and successes and equally rapid falls; Soviet Russia, which constituted, for three quarters of a century, a formidable opposition to the West and its system of values, before imploding and collapsing in turn; China, which in the 21st century, due to its economic development, demographic weight and the ideology of its leaders, represents the main challenge to the status quo of Western dominance; and finally the United States, which has resisted each of these challengers to become for over a century and a half the only financial, military and cultural power capable of hegemony, but which today, in turn, show the signs of a profound crisis » (Maalouf 2024).

It is clear then that all of humanity should try to resolve these conflicts through a kind of constructive communication based on respect and recognition of mutual rights (Honneth 2015, 2019). For Honneth the man despised, humiliated, without recognition, loses his integrity, his rights, his personal autonomy and his moral autonomy. He points out that the

injustice of not recognizing a person what they deserve leads to social exclusion, not only produces a radical limitation of personal autonomy, but also causes a feeling of not being up to par with others or equal to others. From Rousseau to Sartre, from Hume to Mill, from Kant to Hegel, the history of the idea of recognition allows us to think of a dynamic and conflictual society, capable of hosting dissent and century and have formed our cultural tradition, interacting and contaminating each other until today. In an increasingly divided society, recognition is a precious and necessary resource to defend an idea of democracy that we can no longer take for granted. Because the idea of recognition is the awareness of mutual belonging, see on the topic, where it is explained that in a democracy, freedom and justice are not abstract and static concepts, but concrete and dynamic social practices, achievements that arise from an initial deprivation and a subsequent claim. The conflicts arising from this struggle for recognition are realized in new social institutions, in harmony with people's aspirations and with the pluralism of complex societies.

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Authors biographies

Michele Blanco is Researcher at the University of Molise, Italy.

ORCID ID

Michele Blanco 0009-0003-5162-8551

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