Legal-economic fragilities in contemporary thought.
How to explain inequality: Thomas Piketty's contribution

Alfonso Villani *a
a University of Molise, Italy

Abstract
For Piketty finally, we have the political proposal of inclusive liberalism on the field to counter the enormous inequalities caused by the unbridled neoliberalism that characterizes the globalized world of our days. The current of liberal thought defined as embedded liberalism, which is opposed to uncostrained liberalism unfettered. We have to understand if inclusive liberalism accepts the classic policies of European social democracies, without which true social inclusion is difficult. As long as there are no serious proposals for a redistributive policy of wealth, on social justice, the parties of the traditional left will lose support. The challenge represented by the social question inequality evidently implies the totality of social life.

Keywords: Reduction of statehood; inequalities; neo-liberal period; globalization; post-globalization; Welfare state; Social inclusion.

Introduction
Thomas Piketty, with great expertise in Capital and Ideology (2020), succeeds in combining, while always preserving a global vision, the study of economics with the history of the ideologies of power, covering, moreover, a good part of economic history (Piketty 2017, 2018, 2015). Addressing the subject of inequality, he argues that it does not originate from economic or technological reasons, but has an ideological and political' nature. All of his research focuses 'on questions of content, in particular on thinking about the property system, the tax, social and educational system, and boundaries: that is, on the

*Corresponding author: Alfonso Villani. E-mail: villani@unimol.it.
social, fiscal and political institutions that could contribute to the creation of a just society (Piketty 2020). This is one of the most important statements that we must bear in mind when we reason about complexity in contemporary times.

The work stands out because it is well supplied with economic and social data and correlated by a scrupulous historical investigation, which starts from antiquity, to analyse the forms that inequality has taken in different historical periods, up to the present day. Piketty explains that, the market and competition, profits and wages, capital and debt, skilled and unskilled workers, local and foreign, tax havens and competitiveness, do not exist as such, but are social and historical constructions that depend entirely on the legal, fiscal, political, educational and social system chosen by the ruling classes and the categories of thought and justification they decide to adopt (Piketty 2014).

Ever since agriculture has existed and we are no longer hunter-gatherers, every human society does nothing but justify its inequalities: reasons must be found, otherwise the entire political and social edifice is inexorably in danger of collapsing. Every age produces discourses and ideologies that do nothing but legitimise existing inequality, and those in power do nothing but try to describe it as natural. Thus, the economic, social and political rules that structure societies as a whole are constructed by the classes in power to justify and implement, as much as possible, their privileges. And these also use law. Analysing the role of law in the contemporary world, scholar Katarina Pistor argues, in fact, that for "global capitalists this is the best of all possible worlds, because it allows them to choose the laws that favour them most without having to invest in politics to turn laws to their advantage. [...] The empire of law is composed of a selected set of domestic laws, woven together by rules, such as private international law"(Pistor 2021), which allows these laws to be recognised and enforced worldwide.

In today's societies, the dominant narrative is the "meritocratic" one already analysed by Michael Young in the 1950s in a book that was understood backwards, Meritocracy was a satire, but recently, it has been "understood" as a manual for getting ahead (Piketty 2020). Piketty, analysing the meritocratic ideology, sums up the storytelling of neo-liberalism as follows: modern inequality is fair because it derives from a freely accepted process where everyone has equal access to the market and property, and where everyone spontaneously benefits from the accumulation of the richest, who are also the most enterprising, the most deserving and the most useful. More precisely, Piketty retorts that: "under the cover of personal 'merit' and 'ability', social privileges are actually perpetuated, because disadvantaged groups do not have the codes and dialectical equipment with which merit is recognised. The student population has increased a great deal [...] But the working class remains almost completely excluded"(Piketty 2020); the reference is made on the basis of statistics, which are almost identical in all western states, where less than 1% of the children of farm labourers have access to university education,
compared to 70% of the children of industrialists and 80% of those of professionals. In short, 'cultural and symbolic privilege is more insidious, because it presents itself as the result of a freely chosen process in which everyone, theoretically, has the same opportunities' Piketty 2020, (Sen 2010). Our Maître à penser, emphasises that, in theory, this view is at the opposite extreme to the mechanisms of inequality in pre-modern societies, which are based more on rigid, arbitrary and often despotic inequalities of status. This grand proprietary and meritocratic narrative had its first construction in the 19th century, after the collapse of Ancien Régime societies, and an even more radical and widespread confirmation worldwide after the fall of Soviet communism and the triumph of hyper-capitalism (Milanovic 2007). Today, however, it appears more and more fragile and the result of an invention not based on real facts.

This theme, in Capital and Ideology, is expanded by analysing cultures other than those of traditional Western countries. All the world's societies are studied, with a diachronic perspective that draws on the solid economic-statistical basis of property and income studies, arriving at the present day and starting as far back in history as possible where data could be found. In particular, from the 18th century for the UK and the post-revolutionary public administration reform for France. Piketty, points out that the evidence of inequality is now taken as established on the basis of a substantial existing literature that starting from economics and broadening the reasoning, incorporates the social sphere and political action. He himself, deals with the study of 'unequal' societies throughout the modern era, roughly taking over Karl Polanyi's main topic of study in his landmark 1944 essay, The Great Transformation (Polanyi 1974), to deal with the expropriation of land in 18th century England and the birth of capitalism, up to the 'hyper-capitalist' society of the 1980s-2020s (Atkinson 2015; Beck, 2021), to confirm the historical process through which inequality was constructed.

The very choice of the title, Capital and Ideology, derives from the fundamental importance Piketty attaches to the ideological arguments with which the various unequalitarian societies have justified their structure and hypostasised their inevitable 'naturalness'. Piketty does not hide the cultural and political objective of his research: to provide tools of interpretation and action for the formation of what he calls an egalitarian coalition, which aims to overcome capitalism towards a just society for the 21st century, based on participatory democratic socialism (Scalon 2020). The work is divided into four parts. The first, is devoted to the study of unequal societies in history. It starts with ternary societies, based on functional tripartition: clergy, nobility, third state, and studies their foundations, power and property, in European order societies, with important references to India, China, Iran and Japan. The French Revolution of 1789, marks the great demarcation: with the affirmation of the bourgeois class we have the right to individual property as the foundation of a new social order and its place in the centralised state. This fundamental
transition is explored in depth in the French experience, with a wealth of data, in the
United Kingdom, but also in other cases with particularly interesting aspects, such as
Ireland and Sweden. The second part studies slave and colonial societies. The slave society
is the extreme of inequality, and its abolition, in stages, throughout the 19th century under
the 'proprietary regime' (Piketty 2020), leads to the invention of public debt: exemplary is
the case of Haiti, where the first self-liberation of slaves ended up financing compensation
to former slaveholders that lasted 150 years, and is the main cause of the widespread
poverty of this nation. The events of the American Civil War and the abolition of slave or
servile regimes in Brazil and Russia are analysed. The different colonial societies are
studied, starting with the experience of the two main historical colonialisms, France and
the United Kingdom. Mention is made of the late emergence of the apartheid regime
in South Africa, and the failure of the experiment of post-colonial democratic federalism with
the failed Mali Federation, which attempted in the 1960s to provide a more solid basis for
the development of French-speaking African republics.

In the following chapters, there is a rather in-depth analysis of Indian society, with
reference to the 'caste' system and how it was implemented by British colonialism. More
on the transition from the tri functional society (Piketty 2020) to the centralised state in
China, Japan and Iran, with an interesting part devoted to the problems of Muslim
countries, and a look at the main differences between Sunnis and Shias. The third part is
devoted to the great transformation of the 20th century. The explicit reference in the title to
Polanyi's work is interesting. In this book, one finds many topics treated with a wealth of
data. Indeed, Piketty explains in the introduction that he considers Polanyi's book to be the
ideal inspiration for his Capital in the 21st century.

The interwar period 1914-1950 would bring about the end of proprietary
(ownership) (Again using a definition by Piketty, let us consider proprietary: "which I
define as a political ideology that places at the center of its project the total protection of
the right to private property (originally thought of as a universal right, i.e. independent of
ancient inequalities of status)", (Piketty, 2020), in developed countries and the end of the
old income classes of the previous century, decimated, as it was, by public debt and
inflation. The violent post-World War I economic and social crisis of 1929 led to World
War II, the subsequent post-war period, 1950-1980, saw the birth of the welfare state, with
the great invention of social democracy and the progressive income tax at its center. In the
period from 1945 to 1980, there are successes and, above all, failures of the two attempts
to end inequality: socially-democratically inspired societies and communist societies.

It is interesting to note the criticism made of the socialist-inspired parties (See the
interview: R. Ciccarelli, Interview with Piketty. Participatory socialism. An open scenario
for the crisis to come, Il Manifesto, 9/06/2020, where urged, Piketty replies: "If you want
my opinion, we could go even further. The social democratic parties have lost the popular
electorate because they have abandoned any ambition of redistribution') that, after having managed the societies they governed very well, as in Sweden and the United Kingdom, they did not adequately counter the rise of the neo-liberal ideology. Since the immediate post-war period, the rich countries, Western Europe and the United States, have experienced a period of unprecedented prosperity and development, with, at the same time, a sharp reduction in economic inequality. An event that has never occurred in any period of history.

There is no doubt that this happened with the political leadership of the Left, considered in a broad sense, i.e. all the various formations of social democratic, socialist, communist, and labourist inspiration in the West, from Europe to Australia and New Zealand to the American Democrats. Also influencing the success of these policies, in the climate of the Cold War, was the competitive drive of the communist countries.

The various social policies have differed considerably between countries. From the American New Deal, to post-war reconstruction, to the social policies of the European classist left; firstly, we owe to them not only the conquest of the welfare state and the greater well-being and freedom of the working classes represented by it, but the questioning in some ways of classical private property itself. We see in many nations, the birth of workers' cooperatives, extensive public intervention in the economy, forms of social ownership in enterprises, such as the co-management experimented in the Nordic Scandinavian and German-speaking countries. Last but not least, what Piketty calls 'temporary ownership', in essence the application of progressive income tax, also very radical, on property and inheritance. The affirmation of egalitarian principles in education, which, implemented mainly in Europe, have meant that a large mass of young people from the humblest social classes have been able to access university studies, so much so that one speaks of a mass university. Certainly many great successes were thus achieved. But at the end of this period this whole process came to a standstill.

**Privatization and globalist liberalisation**

Piketty's thesis is that, faced with a globalisation process based on the free movement of capital and the unlimited growth of its financial component, social democracies, on the one hand, have themselves taken decisive choices to favour these processes (The initial moment is identified in the 1980s, the era of the neo-liberal revolutions of Thatcher and Reagan, this historical moment is characterised by the abandonment of Keynesian economic policies, which envisaged state intervention in the economy to support demand and income. During this period, the major political forces of socialist, social democratic, labour and democratic inspiration accepted this situation as inexorable and incontrovertible and endorsed privatisation and globalist liberalization (Höffe1999; Stiglitz 2002, 2013). On the other, they have failed to overcome the limitation of the nation-state that was the typical framework within which they were accustomed to
operating. That is, they have favoured the internationalisation of capital but have not themselves internationalised. In this regard, the German sociologist Ulrich Beck argues: "the perception of social inequality in everyday life, in politics and in research is based on a general view that sets territorial, political, economic, social and cultural boundaries. In reality, however, the world is increasingly interconnected. Territorial, state, economic, social and cultural boundaries continue to exist, but no longer coexist. The empirically well-documented increase in intertwining and interaction across national borders calls for the 're-measurement' of social inequality" (Beck 2011).

And so their reforms remained half-hearted, locked in the national enclosure. For example, the European Union, has globalised the markets of goods and finance, but has been unable or unwilling to construct a supranational fiscal policy, based on the principle of progressivity, there has been no supranational legislation in defence of labour. Equality in educational processes stopped at secondary schools, while the new economy demanded higher professionalism. The consequences on the constituency of the electoral left were ultimately explosive. For this worldwide inadequacy of the political left, starting in the late 1980s, Piketty believes that "a more satisfactory interpretation is that the feeling of abandonment of the working classes by social democratic parties provided fertile ground for anti-immigrant discourses and nativist ideologies. Until the absence of redistributive ambition that lies at the root of this feeling of abandonment has been corrected, it is hard to see what can prevent this ground from being increasingly exploited' (Piketty 2020).

The 1980s-2020s, the advent of neo-conservatism, the era before us is characterised as hyper-capitalism (Bauman 1999, 2000) and neo-proprietary. Piketty does not miss an opportunity to point out the return to modernity of ideologies typically linked to the old trifunctional and proprietary societies.

The fourth part is dedicated to an extensive rethinking of the ideologies of political conflict. It demonstrates, on the basis of the intersection of electoral, census and educational data, the weakening if not the end of the left-right dualism that characterised political and economic debate in the 19th and 20th centuries. Almost everywhere, the left-wing parties, from being the expression of the working classes by social democratic parties provided fertile ground for anti-immigrant discourses and nativist ideologies. Until the absence of redistributive ambition that lies at the root of this feeling of abandonment has been corrected, it is hard to see what can prevent this ground from being increasingly exploited' (Piketty 2020).

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France, and Renzi, in Italy. In both cases we have had, in government action, pro-rich policies. In France, the abolition of wealth tax (Piketty, 2020), "From an economic and fiscal point of view, Macron's political action in 2017-2018 saw the abolition of the ISF (wealth tax) and progressive taxation on capital income: these measures were financed by an increase in indirect taxes on fuel". Piketty insists that there are material reasons well before the economic crisis of 2008 for this estrangement of the poorest part of the population from the left: tax and education policies in the first place (the reduction of taxes on high incomes, for example, resulted in an increase in indirect taxes, which hit consumers, thus penalising the economically weaker part of the population). In Italy, with the Renzi government, we had the abolition of Article 18 of the Workers' Statute, which guaranteed workers from unfair dismissal ("The policies conducted by the PD - in particular the facilitation of dismissal procedures (the so-called 'Jobs Act') decided by the Renzi government shortly after coming to power, which provoked strong opposition from the trade unions and large demonstrations (one million people in Rome in October 2014) - contributed to increasing the party's unpopularity among the working classes and workers from the poorer classes. The strong support for these reforms publicly expressed by the then German chancellor, the Christian Democrat Angela Merkel, and the certainty that their approval in parliament would be guaranteed by an implicit agreement between the PD and Forza Italia helped to consolidate the view that the party no longer had anything to do with its post-war socialist-communist origins (Piketty 2020), with serious consequences for the confidence of the working classes. We do not find it difficult to analyse on a global scale the reasons that have led a growing part of the disadvantaged social groups to feel poorly represented (or even abandoned) by the left in elections. A part of the left, which is more radical, remains faithful to the classic ideals, which Piketty calls 'egalitarian internationalist', a pro-immigrant, pro-poor left, but which remains a minority in the choices of voters, worldwide. Just look at the results then in the US primaries, and in the French presidential elections. There is also a division on the right with a nativist right, capable of also attracting popular classes, in fact it is defined as 'egalitarian nativist', which is characterised by being: anti-immigrant and pro-poor, at least from the electoral declarations. Examples of this right may be, with due differences and national particularities, also difficult to separate from the neo-liberals, the following leaders such as Trump, Erdogan, Bolsonaro, Orbán and, in Italy, Meloni and Salvini. But the still hegemonic neo-liberal right considered to be the market right, safeguarding the principles of identity and borders, is characterised, according to Piketty, as anti-immigrant and pro-rich. Piketty's analysis tends to point out that from Hungary to Brazil, via the United States and Italy, the danger of authoritarian and xenophobic movements makes it urgent to radically address the issue of inequality.

In the last chapter, he develops a proposal for the construction of a new welfare state that will require fair taxation and an international financial register, forcing the rich and large corporations to contribute fairly. The current regime of free movement of capital, established since the 1980s and 1990s under the influence of the rich countries (and in
particular Europe and the United States), inexorably encourages the evasion of billionaires and multinationals worldwide. It also prevents the fragile tax structures of poor countries, born out of decolonisation, from developing fair taxes, which makes state-building more fragile.

Some of the political themes already present in the Manifesto for the Democratization of Europe (http://tdem.eu/it/manifesto-2/), launched by Piketty and others in May 2019 ('Manifesto for the Democratisation of Europe' published in December 2018, available at http://www.tdem.eu; M. Bouju, L. Chancel et. all 2019), envisage entrusting a European Assembly - made up of the countries wishing to pursue a common progressive taxation project - with the elaboration of a proposal without any changes to the current treaties. This Assembly is to be composed, in a proportional manner, of the same members of the Parliaments of the individual states, plus representatives of the European Parliament: "the proposal envisages transferring to this European Assembly the competence for the adoption of four important EU taxes: a tax on corporate profits, one on high income, one on high wealth and one on CO₂ " (Piketty, 2020).

With this democratically representative assembly, the fortunes of the European Union could be revived and it could also serve as an example for other continental unions. "The essential point is to establish a space for democratic deliberation and decision-making that allows for effective fiscal, social and climate justice arrangements at the European level. As we have seen by analysing the structure of the vote in the French and British referendums in 1992, 2005 and 2016, the distance separating European construction from the popular classes is now very wide. Without concrete and perceptible measures that demonstrate that Europe can be put at the service of fiscal and social justice, it is difficult to think that this reality can change (Piketty 2020).

In summary, Piketty's proposal is of property circulation and progressive income tax as the basis and heart of the programme of radical reform and democratisation of European institutions. In fact, it should not be forgotten that taxation has always been, and still is, the main instrument for supporting the welfare state, redistribution of income and circulation of property. Therefore, it is the fiscal lever that determines the socio-economic policy that any state, federal or newly conceived political entity such as the democratised European Union can have at its disposal. And Piketty puts a tax proposal (The tax system proposed by Ours consists of two pillars: a progressive property tax to finance a capital endowment available to every young adult upon reaching the age of 25, for example. Property is defined as real estate, professional and financial assets net of debts; the levy would be annual. There would then be an inheritance tax. We speak of average and not median assets, which greatly increases the absolute base value. The objective of an estate tax is to achieve the widest circulation and diffusion of property, limiting its concentration at the top of the social ladder. A progressive income tax (including social contributions and a carbon tax) to finance the basic income and the social and ecological state (health, education, pensions, unemployment benefits, etc.) The tax system proposed by Ours consists of two pillars: a progressive property tax to finance a capital endowment available to every young adult upon reaching the age of 25, for example. Property is defined as real estate, professional and financial assets net of debts; the levy would be annual. There would then be an inheritance tax. We speak of average and not median assets, which greatly increases the absolute base value. The objective of an estate tax is to
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Property taxes, on the other hand, have always been quite bland in historical experience, rarely updated to property values, and almost never concerned the most typical source of income of the wealthy classes, i.e. financial income. Piketty's idea of participatory socialism aims at overcoming the current system of private property. Here, I have privileged the fiscal part of the argument because it seems the most disruptive aspect in comparison to the omissive debate we are used to. Another very interesting part of his propositional analysis is the idea of social ownership, in continuity with the experiences of participation in the management of companies implemented by the Nordic social democracies and in Germany, where it has always worked well there. This is a political model that the left, or the so-called left, has always substantially opposed in our country, and which, on the contrary, should be rethought today in the face of the employment crisis in traditional productive sectors.

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employment crisis in traditional productive sectors. At the centre of a programme that aims to overcome the current capitalist system and draw the contours of a new egalitarian perspective at the universal level, based on social property, education and the sharing of knowledge and power.

The current moment in history, also on a global level, can also be an opportunity to think about a minimum health and education income for all, financed by a universal entitlement on a part of the tax revenue to be borne by the richest people: large corporations, high-income families and large assets (e.g. the world's richest 1 per cent). After all, their wealth is based on a globalised world economic system (On the same subject as Piketty with a total agreement of ideas, see: Bourguignon 2013, where he considers that "international concentration on redistributive policies and the fight against inequality is appropriate. There has been a certain 'contagion' among the tax reforms of developed countries over the last three decades, tending to decrease the progressivity of redistribution for high incomes. There is an urgent need to reverse course, but this time in a concerted international manner. The political debate is ripe, in many countries, for such an initiative not to be rejected at the first blow, and it is not unlikely that several emerging economies will follow suit. Avoiding the globalisation of inequality today requires a globalisation of redistribution').

What is needed, therefore, is a new worldwide regulation to ensure social and ecological sustainability and the elimination of 'tax havens', which allow tax evasion, in particular, of large multinational corporations, multi-billionaires and illicit gains. This is not a new critique of neo-liberalism, the difference being that Piketty offers the reader an incredibly impressive amount of data, always original, which complements the 17 chapters of the book and also warns of the danger of authoritarian regimes. If the current economic system is not profoundly transformed to become less unequal, fairer and more ecologically sustainable (On the topic of global warming and climate change, which is of great and serious topical interest, we the same theoretical slant, in which I would like to quote: "Global warming is now a reality with which we have to deal. But what will be the social and economic consequences of the ecological crisis we are experiencing? By placing the geopolitical dimension of climate change at the center of their reflection, and drawing on the tradition of political philosophy and critique of capitalist economics, Mann and Wainwright glimpse the signs of an imminent and ominous scenario and lay the foundations for a necessary and radical alternative: a planetary revolution in the name of climate justice', in Mann, 2019, p. II of the title page; in this work, in particular, we have many references to possible taxation for polluters and also from a social point of view assonances with Piketty: “As long as the world continues to be capitalist inequalities will remain the barriers to a global and cooperative approach to climate change”), have a recent publication in which many of the topics discussed by Piketty are considered with, in all countries, rich and poor, xenophobic populism will have the way open for its future electoral successes. To avert the risk of authoritarian and xenophobic regimes, knowledge of facts and history remain our best resources, calling for a 'new participatory socialism for the 21st century'.
The French author remains optimistic: inequalities have existed throughout human history but, in the past, the revolutionary and political processes that "have made it possible to reduce and transform inequalities have been a great success, and are at the origin of our most precious institutions: those that have made it possible for the idea of human progress to become a reality (universal suffrage, free and compulsory education, universal health insurance, progressive taxation)" (Piketty 2020). The pages on the wealth tax on great wealth are very convincing in the sense that the reader is persuaded that, in principle, these reforms can be implemented. As far as income is concerned, Piketty re-proposes top rates for the highest incomes, which in the 1970s in some countries, especially in the Scandinavian countries, exceeded eighty per cent (The steep upward slope of the tax levy is nothing new in history. It was, on the contrary, the norm in the post-war years, both in the US and Europe, and coincided with unprecedented economic and social development. Property taxes, on the other hand, have always been quite bland in historical experience, rarely updated to property values, and almost never concerned the most typical source of income of the wealthy classes, i.e. financial income, which is often free of any effective taxation).

The 'fair' proceeds of these taxes would be used to finance a form of universal minimum income, as some members of the new 'egalitarian internationalist' left claim. But above all, reapplying inheritance taxes on large estates would facilitate a radical inter-generational redistribution, so as to neutralise, in part, hereditary privileges. These reforms would reduce the large gap in both income and opportunity that has been created between the young and the old, and which continues to widen over time. The limitation to be considered is that Piketty does not spend much time discussing the certainly very strong obstacles that substantial reform would face. All the major flaws of today's societies are the effect and in part the cause of the weakness of other institutions, such as state institutions, in which citizens have historically had little trust.

He believes it is all too easy to persuade the world's citizens that the right reforms can be achieved. In Piketty's ideal world, it seems that governments are always benevolent and not the expression, in many cases, of voracious and unscrupulous elites (Well-known scholars of democracy have pointed out that the democratic system is based on the struggle of elites vying for power). Citizens trust politicians and accept fair tax increases, the proceeds of which would be used to reduce inequalities today and, in perspective, for future generations as well. And again, according to Piketty, lobbies and managers never defend unproductive rents and never lead companies to lay off workers to increase profits and then relocate them where it is most convenient.

The actual reality is much more complicated. Wealthy citizens do not trust governments, especially when governments try to defend the rights of the less well-off. Citizens, even the non-wealthy, fear that resource transfers could turn into undeserved rents. The obstacles would become even more insurmountable if the attempt to redistribute resources were to take place on a global scale. Piketty is rightly an advocate of overcoming national borders, both in the movement of people and in fiscal solidarity (Piketty, has a
substantial unity of views with the theory of legal globalism, which sees the ideas of democracy, respect for human rights and political participation at a higher level, both in national and global spheres. The theme of cosmopolitan democracy, echoing a Kantian theme, is increasingly proposed as the possible complement to national democratic systems in a system of economic globalization). All this in an idealised world where citizens have no qualms about ceding part of their sovereignty.

But the question we must ask ourselves is: are Hungarian or Polish voters willing to be governed by a Dutch or Finnish head of government, and when the latter imposes sacrifices or spending cuts, do they accept them willingly? In Piketty's proposal, direct European elections are held with candidates who, in perspective, represent the entire European people, without national distinctions. Will this ever be possible? Consider, simply the first problem, the language to communicate with the electorate in an understandable way. How will it be possible to have a truthful election campaign without populists gaining votes by exploiting resentment against foreigners, as is so often the case today? Other important problems are the issue of trans-national justice (According to the well-known Nobel Prize-winning economist Sen, it will, in perspective, be much easier than one might think to democratise the entire planet, Sen 2004) and global warming, which are not so easily solved without a real involvement of all citizens of the world.

Despite these difficult aporias Capital and Ideology is full of important and fundamental arguments. Absolutely relevant is the analysis of economic reforms, first and foremost the new tax structure: 'an EU tax on the profits of large corporations [think Amazon for example] at all levels: local and European' (Piketty 2020) and, only recently, embryonic hypotheses of a possible taxation of large global players at 15 per cent. We must hope that it is democratic politics that dictates the agenda, not the financial economy. Indeed, the "experiences of the 20th century have shown how high tax progressivity could not only be associated with rapid growth, but is indeed one of the essential elements of a development strategy based on relative social equality and education" (Piketty 2020). A policy that counteracts the 'new hyper-disparate narrative [ideology] that has emerged since the 1980s and 1990s [which] should not be assumed as inevitable'. Piketty, thinks that 'through highly progressive taxation of large assets, we can give 'life to a permanent circulation of goods ... [and] rethink the current organisation of the world economy in order to establish a transnational democratic system based on social, fiscal and climate justice' (Piketty 2020), Piketty returned to the subject, explaining and articulating very well his thinking in favour of a wealth tax as well: "I think a new form of monetary policy would be needed in which money is given directly to ordinary people not to banks and those who can borrow. And then one day you will certainly have to have the contribution of the richest [...] all the great public debt crises were solved in this way in Germany in 1952, an exceptional levy on the highest private assets was instituted [...] which made it possible to reduce the German public debt in an accelerated way and to finance post-war reconstruction", in F. Manacorda, 2021. The grand historical fresco of the first seven hundred pages leads us to understand the necessity of the defence of the idea of justice.
The various reform proposals put forward by Piketty need to be reinforced in order to gain traction.

We now hope for a great debate that can pave the way for the necessary reforms. We are certain, also thanks to Piketty's work, that the increase in inequality is not a natural phenomenon, nor is it inevitable. It is a contingent development that citizens have accepted too passively. We have now arrived "[...] at a time when Western societies are questioning the ever-decreasing presence of people from the working classes in the most selective educational paths, but also in parliamentary assemblies and state administrations" (Piketty 2020).

The idea that the huge inequalities in today's world are justified is a product of ultra-liberal and neo-conservative ideology that we need to get rid of. We have to think globally because "now more than ever, the different regimes based on inequality (and their evolutions) are closely connected to each other, all over the planet" (Piketty 2020) In the book Piketty gives countless examples of the interconnectedness of nations, even the most distant ones, in the world, where "Inequalities of income and wealth concentration [...] everywhere generate growing social tensions [...] which are now emerging in all regions of the world: in the United States and Europe, in India and Brazil, in China or in the Middle East".

We have two alternatives: to govern capitalism with democratic politics or to let it continue its unbridled march towards ever greater profit, in a perspective in which rights are only a hindrance.

I would like to quote this consideration of our author, namely: "the idea that a just society must be based on a logic of universal access to basic services: health, education, work, wages and deferred wages for the elderly (in the form of an old-age pension) and the unemployed (in the form of unemployment benefits). The aim must be to transform the entire distributional model of income and wealth, [...] to change in this way also the distribution of power and opportunities" (Piketty 2020).

The democratic idea of civilisation that we have inherited from the past, according to which every man is (should be) an active and constituent part of the entire community, is emptied of meaning in today's world in the face of such an immense centralisation of socio-political power and wealth. For Luciano Gallino, we are inexorably witnessing the "greatest operation of transfer of income and wealth from the bottom to the top - in other words of exploitation - that history has ever known. An operation that began centuries ago with colonial enterprises, then interrupted a couple of times in some countries during the 20th century, to finally experience a formidable acceleration from the 1980s to the present day. It has also just been mentioned that the intertwining of economics and politics on which it is based has all but emptied the democratic process of meaning" (Gallino 2021).

As a matter of fact, there is a huge growth of income inequality worldwide, even in other advanced economies and constitutional democracies (See the latest Oxfam report of January 2024: *Inequality, power serving the few*), even in times of economic growth and technological development. Carlo Trigilia, a sociology scholar and former minister in the
Italian government, believes that the "consequences of the pandemic and the invasion of Ukraine add to the picture. The European left and the Italian left are thus facing a new challenge, decisive not only for their future, but also for that of democratic capitalism. The popular electorate, which used to be its core, is in fact fuelling an exodus towards abstentionism and the new radical right, attracted by protest and populism. In the face of worsening working and living conditions, old and new groups most uncomfortable do not feel represented today' (Trigilia 2022).

The ambition for the future of a rule of law is to contribute to the emergence of a new model of society, more just and with less inequality. But, the first thing to do, is to get out of the state of affairs, being able to understand that "social expenditures on health, education and employment are also the most economically productive expenditures, since the protection and development of productivity, both individual and collective, depend on them. Evidence of this is not only the greater wealth of countries in which, as in Europe, the welfare state has developed compared to poor countries and their own past, but also in rich countries, the comparison between economic growth in the years of welfare state construction and today's recession caused by public spending cuts and employment reduction implemented by the current austerity policies [and the increasingly recurrent financial crises in today's capitalist system]" (Ferrajoli 2016). Moreover, we must never forget that undoubtedly 'the tycoons' primary and most urgent interest is to reduce taxes on the tycoons themselves' (D’Eramo 2020). But we must no longer be fooled by the super-rich and tycoons, who are increasingly inclined to get richer and not think about the 99 per cent of the world's population who are increasingly poor (According to some serious scholars of the phenomenon of poverty, it is becoming increasingly widespread, even where it has not been for a long time: "Inequality has now reached extreme levels, both worldwide and within the most advanced countries. In the last thirty years in our societies the rich have become much richer, the middle class has shrunk, the poor have slipped even further into poverty: income inequality has even returned to the levels of a century ago. Wealth is even more unequally distributed; according to Oxfam's annual reports, the wealth possessed by the richest 1% of the world's population is even equal to that of the rest of humanity (Oxfam 2015)", (Franzini 2015).

Income inequality has also increased in all advanced countries and is a central problem of capitalism today, in the current fierce neoliberal version. Because whichever way we think about it, we have to agree with this fine definition of the consequences of neo-liberalism: "however you look at it, neo-liberal theories undermine education, health, increase inequality and reduce income shares for workers; these effects cannot be doubted" (Chomsky 2010).

Today more than ever we 'need "Politics" in the strongest sense of the term, because only in this way can we promote that common culture, that shared way of relating to the sphere of coexistence within the same public space, without which we cannot build what is the basis of every political aggregation [...], that is, the tension towards the achievement of the common good (Pombeni 2020).

We must go back to thinking of a free, democratic, participatory society, with adequate education truly for all at the forefront, with all social rights guaranteed, where people are truly equal, and everyone can develop his or her abilities to be able to live with dignity. The father of liberalism himself knew this, "no society can be flourishing and
happy if the majority of its members are poor and miserable" (Smith 2009). Why, nowadays, should we pretend not to know this?

Nobel Prize winner Joseph Stiglitz himself, repeatedly states in his investigations that, the concentration of wealth in a few hands, will cause the planetary spread, as is happening, of inequalities, and that the polarisation of incomes will be a real obstacle to real social growth and GDP development. In countries where the *middle class* still plays a decisive role in the social composition, they are in a privileged condition since the area of 'propensity to consume' is fundamental to the prosperity of those same states (Stiglitz 2016, 2017).

Thus, new and profound contrasts tear at the social fabric of Western societies: big cities versus poor provinces, highly specialised elites versus masses of low-skilled workers, rich countries, or parts of rich societies, versus poor countries. These lacerations generate new anxieties, new anger and new political passions, as witnessed by the wave of support received by populists around the world, from Trump to the party of Brexit to the Italian right wing. Paul Collier, one of the world's leading experts on poverty and migration, tries to outline the paths through which these new economic, social and cultural fractures can be overcome. But he believes that only if capitalism manages to give itself an ethical foundation that makes it fair and compassionate, and not just efficient and economically prosperous, will it be able to guarantee a dignified life. A capitalism in which dignity and reciprocity prevail over aggression, fear and humiliation, typical features of our 'rottweiler society' (Collier 2020).

Other proposals of a profoundly different matrix and inspiration, but to be borne in mind, came out in 2012 in Italy: “Manifesto Capitalista. Una rivoluzione liberale contro un'economia corrotta” (Zingales 2012), an essay in which Zingales addresses the economic crisis from the perspective of the collective, thus emphasising issues such as meritocracy, clientelism and the degeneration of the free market. He basically states that those who had believed that freedom and equality were attainable thanks to the free market have found themselves disappointed and even more cheated by a capitalism that has caused a nightmare of injustice and poverty, *primarily* due to the lack of an adequate anti-trust system and widespread clientelism. The solution does not lie in the pursuit of a populism that rejects economic mechanisms, because otherwise we would risk losing what remains of what Zingales describes as the best of all possible systems, which, even with all its flaws, always offers the greatest number of opportunities to the greatest number of people.

The solution lies in the defence of the free market, provided it is cleansed of the *obbies*, monopolies and corruption that have caused its degeneration; merit must be rewarded, competition encouraged, privileges eliminated and education supported. In conclusion, therefore, the 'Capitalist Manifesto' has no other aim than to propose a careful programme to re-found capitalism, to make it fairer, more humane and efficient, all of which are obviously part of the free market (Zingales 2004), where the two authors, starting from the positions of the 'Chicago school of economics' and with an erudite
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defence of the free market system, mediate the debate between conservative isolationists and no-globalists. They argue that only markets left to themselves and not protectionism can create an environment that supports and stimulates competition, innovation and economic growth. They rail against any government attempt to keep failing companies afloat with subsidies or tariffs on international competition. An essay explaining why free markets are crucial, why markets are not stable, but also why they are endangered by the very people who should be their greatest supporters: the financiers).

We also have to consider the disturbing but increasingly widespread aspects of 'crony capitalism' (Carboni 2013), i.e. an inextricable relational intertwining of business and politics. In these cases, we are well aware that economic success is not determined by free market competition and appropriate regulatory rules, but is dependent on personal acquaintances and friendships, favouritism and corruption travelling through anonymous power matrices, through multi-positioning (interlocking) in key economic posts, in the top positions of business and politics, etc.

Of course, it is not only our country that is afflicted by this degenerative disease, which was revived on a large scale during the golden age of globalised finance (Period roughly corresponding from 1980 to the crisis of 2008), which fell, after thirty years of splendour, due to the disasters caused by the gigantic conflicts of interest it had generated. However, in our country, this disease seems to have taken root to a greater extent, thanks to the invasive force of political capitalism and the weakness of modern and organised forms of private politics. When it comes to weakness, we don't miss a thing: not only a government deficit, but also a lack of private capacity to compose one's own interests (business, consumer, labour). On the one hand, pan-politicism, bureaucratisation, and asphyxiating constraints on free economic action have allowed parasitic economies to run in the country, based on rent, pure and simple speculation, if not bribes and corruption. In short, a 'steel cage' created by a deterrent relationality, made up of bribes and nepotism, and therefore adverse to economic rationality and innovation. On the other hand, our frayed and fragmented socioeconomic fabric has appeared incapable of expressing forms of private politics capable of overcoming, through associationism and organisation, as Robert Nozick argued (Nozick 2008), the traditional selfish and familistic particularisms, 'belly' corporatism and tedious parochialism that flourish when political capitalism is strong but stateness is weak. To combat the disease of crony capitalism in our country, the antidote is not only exogenous: it is not enough to trust that between the two sides of the Atlantic, sooner or later, a reliable and shared transnational regulatory framework will be created, capable of rebalancing the irrational and distorted links between the financial economy and the real economy, between banks and financial operators on the one hand and companies and labour on the other. In the meantime, our businesses, our jobs, our families would be at risk of going broke. Instead, there is a tough 'domestic' battle to be fought to make merit prevail and not political profiteering, innovation and not speculative privatisation of profits, competition and not conflict of interest. This battle must be waged on both public and private sides, with laws, but also with new forms of behaviour that free us from protectionism, favouritism, etc., from which those narrow groups that intertwine in
the boardrooms, between the business world and politics, have benefited. If modern forms of *private politics* existed in Italy, intermediate representative organisations would have a greater capacity for shared governance of interests. This capacity would not only help governability and governance, but would also call politics back to its leading role. Unfortunately, the crisis of representation affects politics and does not spare intermediary organisations, which have long been institutionalised and weakened as animators of *private politics*. A state weakness is combined with a private one in the construction of the public sphere. Thus the most disparate corporatism, sectarianism, localism, a 'steel cage' that appears 'gilded' only for our self-referential elites, resists. However, we must not mistake, as some do these days, the low concept of relational capitalism bordering on the crony, which is partly the case in Italy (corruption is high), and the high concept of relational capitalism that values interconnection, the capacity for positive networking. It is a bit like confusing today's neo-notables with the net elites, who exercise traction precisely by virtue of fiduciary relational networks. Beware, therefore, of getting too indignant by looking only at one side of relational capitalism, to consider the ever-stronger persistences of the new.

A leading legal sociologist believes that the profound global inequality, with most of the world's wealth concentrated in the hands of the very few, is one of the most pressing issues on which scholars and policy makers are focusing. According to Katharina Pistor, it is the law (Pistor 2021) that is the most powerful tool for ensuring social order, but also a dangerous tool if used for other purposes. Pistor argues that, contrary to what is often believed to be true, law is anything but a secondary player in the great process that leads simple objects, skills or ideas to be transformed into resources. It is precisely in law firms, indeed, that the codification of capital takes place, the elaboration, that is, of those instruments and institutions capable of making a piece of land, a building, an idea for a new drug or a string of digital code assets capable of generating wealth for those who hold them. But who, and for whose sake, determines which resources are codified into capital, effectively controlling the distribution of wealth and the enormous privileges that come with it? The Capital Code sheds light on the established, yet silent and barely visible mechanisms by which the holders of capital and their lawyers create wealth and inequality, generating the real risk that the legitimacy of states and their laws will be increasingly eroded. This is a fearsome mechanism that can be combated through the codification of new rights, a long and difficult road, but one by which democratic society will be able to get back on track. According to Pistor, law firms, especially in the Anglo-Saxon world, bend and succeed in transforming national laws in favour of their wealthy clients, with the obvious consequence of ever-increasing inequality: "those with resources, with the best lawyers at their service, can pursue their interests with very few limits" (Pistor 2021). All this is increasingly happening worldwide, even in civil law legal systems. The consequence of this is that 'states are not neutral when it comes to deciding which interests should be given priority: possible future gains are more likely to be supported by the state than claims aimed at self-government or environmental protection' (Pistor 2021). For those with
more money, this historical moment is the best possible. In fact, for "global capitalists this is the best of all possible worlds, because it allows them to choose the laws that favour them most without having to invest in politics to turn the laws to their advantage. The empire of law... [is composed] of a selected set of domestic laws, woven together by rules, such as private international law" (Pistor 2021) , which allows these laws to be recognised and enforced worldwide. In fact: “US civil law has imposed itself throughout the world and all the various trade treaties are negotiated and signed only in exchange for the application of US law to disputes, which ends up shaping the conception and administration of justice throughout the world: it changes our law without us even realising it” (D’Eramo 2020).

The Capital Code sheds light on the well-established, yet silent and barely visible, mechanisms by which capital holders and their lawyers create wealth and inequality, with the real risk, if not certainty, that the democratic legitimacy of states and their laws will be increasingly eroded. Thus, at the origins of the creation of wealth, as well as its survival, in the hands of those who own it, even in adverse economic cycles, we find the law (The 'code', therefore, refers to the laws of property, contracts, trusts, financial intermediaries and corporations that manage to transform any good into capital and thus generate, increasingly, private wealth in a capitalist system. Of course, one must always remember that it was the prototypes of legal codification: land or goods in the material sense, the first goods from which the whole process was generated), codifications of law firms. In particular, the focus is on the modules through which capital is codified and which manage to bestow upon the various resources essential attributes that guarantee great privilege to their holders. The fundamental modules are: priority (Priority, ranking legal positions, favouring certain titles of an asset holder over others), durability (Durability means that rights to assets can be extended over time, allowing for the constant growth of capital), universality (Universality ensures that priority and durability are sustained against adverse forces) and convertibility (Finally, with convertibility, asset holders have an option to convert their assets into value). With the use of these attributes, which are codified in laws, any asset can be transformed into capital and thus create or increase wealth for its holders. These forms, are represented by company, commercial and bankruptcy law in the first place, as the playing field in which economic actors, with the help of their lawyers, strive to assert their interests. A fearsome mechanism, which can, indeed must, be combated through the codification of new rights, a long and difficult road, but one thanks to which democratic society will be able to get back on track.

In this context, we find an interesting work that notes that "The phase of 'hyper-globalisation', as the great economist Dani Rodrik called it, seems to be coming to an end. The financial crisis of 2008, the intensifying competition between the United States and China, the pandemic and the war in Ukraine and Palestine are, in fact, stages in the profound transformation of the international political and economic order that had taken shape in the preceding decades, starting with the break of 1989. It is time to think about a new form of globalisation, based on the recognition of interdependence and political, legal and cultural pluralism. The law can play an important role in structuring and stabilising
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 fully renounce their sovereignty" (D’Attorre 2023). Where it is reiterated that, now that the illusion of a world unified by the market economy has waned, we must understand that global interdependence between states requires new balances between national sovereignties and international law. All this considering that 'contemporary politics is marked by the overbearing return of the interventionist state. The plans for the green transition, subsidies to buffer the growing social malaise, the anti-contagious measures seen during the pandemic, the return of trade protectionism and the right-wing demand to close borders to immigrants are all attempts to respond, in different forms, to the pressing demand for security. Control and protect are the two imperatives that mark this 'neo-statist' phase. 'Control', because we live in a world that appears out of control, where the transmission belt between the people and their representatives has broken; 'protect', because there are many reasons to be afraid and feel vulnerable. In this book based on an in-depth analysis of the political discourse in Europe and the United States, Paolo Gerbaudo illustrates the founding elements of this new paradigm and the way it redefines the political battlefield; finally, he shows how "only by investing in a project that combines social and environmental protection and real democratisation of the state will the Left be able to avoid the drift towards an authoritarian future" (Gerbaudo 2022).

Wanting to draw the first conclusions from this work, which will continue in the examination and analysis of the inescapability of a wide-ranging confrontation of the numerous and inescapable reasons that subsist on the current 'sick relationship' between freedom and equality, I would like to represent a thematic node, crucial to understand the meaning of the individualism prevailing in modern democracies and, at the same time, not to confuse the sense of personal independence with selfishness and indifference to the fate of society. Fates, by now entrusted to the sole capacity of a global legal neo-regulation (For an educated and wide-ranging examination of the urgent need for global legal regulation, compare the essay by Ferrarese (Ferrarese 2022) where the author highlights how: "Large corporations, professional associations, bureaucracies, financial groups occupy strategically important positions where the new rules for the globalised world are decided. Today, power is a complex game, with many voices, less and less decipherable, stable and recognisable. Although the conflict unleashed in Ukraine has presented us with its most primitive and violent face, we cannot ignore the great metamorphoses that have profoundly transformed power and its scenarios in recent decades. Abandoning the severe guise of government, more vertical and decipherable, in favour of that of governance, more horizontal and diffuse, power has taken on new faces, becoming from time to time national, international, public, private, hard, soft, smart, barely visible, indirect. Numerous new actors, not only financial and economic powers, but also technological ones and masters of artificial intelligence, moving casually between politics and economics, forge
the new foundations of our world), of a private digital metaverse, currently, unfortunately, devoid of any logic and boundaries.

Declaration of conflicting interests
The author declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding
The author reported there is no funding associated with the work featured in this article.

Authors biographies
Alfonso Villani is Associated Professor at the University of Molise, Campobasso, Italy.

ORCID ID
Alfonso Villani 0009-0008-9648-9766

References


Habermas, J. (2012). This Europe is in Crisis, Laterza: Roma-Bari.
Manacorda, F. (2021). It is time to redistribute wealth. Interview with Thomas Piketty, in "La Repubblica", 05/06/2021, 50-51.


Urbinati, N. (2021). The relationship between capitalism and democracy. Taxing the riches is the beginning of the exit from the new feudalism, In 'Domani', 16/05/2021.

Received 10 February 2024, accepted 02 June 2024