Democracy, the State and the Market

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Irreconcilability or Equilibration between Institutions?

By

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INTRODUCTION

In a previous work I argued that liberalism, meant as a philosophical concept that advocates individual freedoms (right to life, thought, property, and equality), has lost its political hold over voters who have been fatally attracted by the idea of pursuing the right to equality, in its most advanced forms of social justice, as the main freedom to be implemented.[1] Pursuing liberalism's broader objectives meant competing with alternative currents of thought, such as socialism, which – by promising more, and redistributing income in favour of less privileged people – find greater consensus among voters. Liberalism thus lost the meaning of the political and cultural mission that it had been successfully pursuing for centuries: bringing about a system of individual freedoms that freed humankind from the physical and moral constraints in which it lived – and still lives today.

This loss of consensus also cast into crisis the institutions tasked with establishing the content of the system of freedoms and with guaranteeing, in practice, that the citizens benefited from it: above all, democracy, delegated to promulgate the laws; the state, delegated to guarantee the

[1] See: Paolo Savona, *Dalla fine del laissez-faire alla fine della liberal-democrazia. L'attrazione fatale per la giustizia sociale e la molla di una nuova rivoluzione globale* (*From the end of laissez-faire to the end of liberal-democracy: The fatal attraction to social justice and the mainspring of a new global revolution*), Rubbettino, Soveria Mannelli 2016. The term 'mainspring' is the literal translation of the term *molla* used in the Italian title; it was intended to refer to Newton's concept of dynamics, whose third law is that of action/reaction, and to Leibniz's concept that the experts call 'force' or more simply 'energy'. With it, I meant to refer to a social mechanism that, albeit with many flaws, charges itself by generating energies/reactions that move towards the renewal of its modes of operation. Many interpreted my previous work as a manifestation of pessimism, while the choice of the subtitle indicated the opposite. In fact, so as not to fall into a distorted or 'politically correct' presentation of the highly precarious conditions currently faced by the system of freedoms and the institutions delegated to safeguard it, I insisted that the situation had in itself the capacity to self-correct. As history teaches us, this happens even in the most dramatic moments of human life, often being given impetus by the young forces to which this work is addressed.

respecting of laws, the domestic order and the defence from the outside; and the market, tasked with managing resources to create wealth.

Each of these institutions has neglected or distorted its function, by attributing greater importance to the granting of social guarantees over the other freedoms, and placing the interests of society above those of the individual. Perhaps the only institutional area that has been able to halt this process is the market; however, the errors committed by individuals and authorities, along with the trends shaped by economic theory, have triggered an invasion by the state into the economy, with a restriction of the area of freedoms, and a negative impact on the other two institutions.

If you discover an individual or social value and believe in it, you are morally and practically obliged to operate for the creation of institutions that permit its implementation in laws and praxis, otherwise the value loses its meaning. When these institutions are rightly implemented, it is legitimate to question and change them by democratic choices.

This is the case regarding democracy, today the most attacked institution created to protect individual freedoms. The state is under the same assault, and the market has always been questioned. As a result, the system of individual and social freedoms is denied, and the same happens to the people's sovereignty. The sovereign legislator is back in a new hidden and dematerialized form.

When that work was completed, I realized that the analysis of the problem of the loss of individual freedoms could not be limited to the political distortions of liberalism, and of socialism, but was to be placed in a broader context that hewed more closely to new geoeconomic and geopolitical developments; these developments today are marked by: (i) the process of globalization of real and financial exchanges, and the reactions to that process (neo-nationalism); (ii) unceasing technological innovation using artificial intelligence methods; (iii) the excessive development of every kind of finance (financialization); (iv) the wave of migrants fleeing from impoverished or war-torn countries to wealthy ones; and (v) terrorist attacks pushed by extremist-Moslem (which means 'submitting to God') holy wars against unbelievers.

External causes prevail over domestic ones, with a global market playing a dominant role over every other internal cause, without democracy or state being able to acknowledge and control them. The market also remains involved, but shows a greater capacity to adapt.

This new work points out that the system of individual freedoms obtained by peoples through long, bloody struggle is losing even more substance than it did when collective interests prevailed over individual demands, under the impetus of liberal reformism and democratic reforming socialism.

Over the last quarter-century, the world has been effecting profound changes, and the elites have yet to truly acknowledge this.

All the currents of philosophical thought regarding the organization of humankind's individual and collective life have felt the effects: communism, at least in its Soviet version, has collapsed; liberalism and socialism have lost their grip on voters; capitalism appears to be established for good, but has been resuming its old vices. Democracies are working ever more poorly, and have lost their ability to decide on the distribution of income; states have lost authority and prestige; the market has fewer and fewer of the characteristics needed to be able to rationally steward real resources, in part because it is increasingly devoted to the business of finance created by the 'bookkeepers' pen' (or, latterly, the computers' bit). The problem to be dealt with is whether we are going through a transition – in which case we must then understand where it is taking us – or an irreparable decline of our civilization, which we must seek to remedy, as our ancestors did with their struggles to attain and defend our freedoms.

Many of these evaluations of the function of the three institutions underlying the system of freedoms are due to geoeconomic/political developments that have undermined the foundations of nation-states according to the Westphalian treaties (territory, people, and legislation). Physical territory has lost its central importance to online space: the www – World Wide Web. All peoples have lost much of their nationality, which is to say of their cultural homogeneity, which has been supplemented by that of other peoples, in a physical melting pot and by the dissemination of knowledge online. International norms and practices accepted by treaty voluntarily signed between countries, or imposed de facto due to the influence exerted or coexistence offered by the global setting, dominate over national legislative bodies.

The consequent loss of sovereignty – which is to say the ability to guide and control the social and economic progress of peoples organized as a nation – has undermined the foundation or the social pact of coexistence, based on the role of the market in creating wealth, and of

democracy in distributing it; the choices of a people organized in a state are increasingly dependent upon outside will, without its elites being able to keep the process under domestic control by means of good policies, or externally through good international cooperation; or, they have these abilities, but do not wish to use them since the epochal changes operate in their favour. Whatever the answer is, what clearly emerges is that there is a dearth of leadership, both domestically and externally; this may even be because the people deny that indispensability of good leadership that had allowed the Western world to raise the area's level of well-being and civilization, and to defeat those alternative possibilities for governing societies which closely affected the issue of freedoms. Everywhere, there is a clear dearth of leadership, or its credibility is seriously undermined.

Of the four freedoms that form the system, only the first two – but not entirely – appear to have become an integral part of social organizations: the right to life and the right to the free expression of thought; ownership suffers onerous limitations and taxation; the quest for equality has been turned into a quest for social justice, a concept whose content is indefinable and continuously expanding, without individuals finding satisfaction in the great deal that has been done, at least in certain areas of the planet. It appears that dissent has grown along with social justice, and not the other way around.

The entire process towards freedoms has taken place under the aegis of the *rule of law*, transitioning from law imposed by the strong over the weak to law established by the overlords (first absolute then constitutional), to law decided by the people in democratic assemblies, and now to the rules of behaviour imposed by the will of global powers and a consensus obtained through the internet. The cycle of the individual's transformation from subject with duties to citizen with rights seems to be coming to an end, with the individual returning to his or her previous state, albeit in different forms.

In pursuing knowledge of this problem, limits clearly emerged of the contribution that economic science can make to clarifying it, let alone solving it. Therefore, there must be greater reliance on political science, and on the other human sciences closer to it. This need emerges from the study of economics since the point at which social utility began to include the state's intervention to guarantee greater social justice uncoupled from the objective of promoting growth. The Nobel laureate W. Arthur Lewis, distinguished theorist of the doctrine of economic development, specified that economics studies institutions from the standpoint of their ability to

create income and wealth, while politics examines them from the standpoint of their ability to generate freedoms, including those needed to expand resources to accommodate spending for public intervention as well. This work devotes joint attention to both approaches.

The term *individual* is held in dim view by many currents of thought, as it evokes – unfairly – the concept of a person thinking of him or herself (individualist). But in this work, it is preferred without prejudice over such alternative terms as *person*, or even *subject* or *liegeman*; to us, these terms appear too generic. They result in denying man his overarching individual nature, which is truly unique, and his right to manage himself, reducing him to being a member of a community; a person is today considered as an object that should be 'managed' by external forces, since he is considered to be incapable of self-management.

The intellectualist concept of the incapacity of men (and even more often of women) induced Immanuel Kant, borrowing the term from others, to draw the metaphor "crooked wood as man is made of, nothing perfectly straight can be built", which is to be considered the negation of democracy, and not infrequently conceals the responsibility of those who know, or presume to know, for maintaining the people in ignorance in order to benefit from the privileges that derive from this human condition: a true falsehood that spread like a virus untreatable by medicine.

It is the education of the citizen – not his or her constraint or social alienation – that must be the starting point. As early as the first century BC, Lucretius, in his *De Rerum Natura*, had undertaken the long journey of knowledge of the human condition, with the purpose of freeing man from the bonds he had been subjected to, and bringing him back to the path of rational use of his thought; the baton in the relay race towards knowledge had been passed from hand to hand, without that race being shown to have an end.

Popular sentiment and the most recent theoretical analysis hold that geoeconomic and geopolitical trends cannot be reconciled with the three institutional bases of the four freedoms. Distrust in democracy and opposition to the market are on the rise, and state intervention is increasingly appealed to.

There is a tendency to underestimate the central importance of the relationship between the mainspring of individualism and real growth – that which is commonly and erroneously called the 'capitalist economy' –

and of that between real growth and the social state that we call ‘welfare capitalism’. The hasty conclusions that are made, instead of seeking an equilibrium between the various trends and institutions, have led to theory speaking of irreconcilability between the three institutions and a given country in choosing solutions that alternatively exclude or weaken the weight of democracy, of the state, or of the market as they had been taking shape over the centuries. Only a few scholars suggest a ‘third way’ to create a new democracy as a voluntary cooperation among peoples, but without a supranational state, named *democracy*, from the Greek plural of demos.

The boldest case is that of the European Union, which has chosen to privilege the market, giving life to an embryo of European democracy with very modest legislative powers, and which has prevented the constitution of a new supranational state in one of the known forms. China, on the other hand, privileges the state, and accepts a market that strongly controls and refuses democracy, at least in its ‘orthodox Western’ version. In the United States and the United Kingdom, respectively sons and father of the building of a system of freedoms, the equilibrium between the three institutions changes over time; but none is excluded or dominates over the others – or at least that is how it appears. Although, with Brexit, democracy has imposed its will over all other instances and institutions, perhaps because it had very deep historical roots, as the fatherland of the cultural maturation and political affirmation of the social demands that the European Union has neglected. The election of Donald Trump as the 45th President of the USA has been strongly criticised by the elites, which deny the people’s right to choose that we call democracy.

This messy state-of-affairs regarding the institutional bases of the system of freedoms is also shown in a desire to turn back the clock of history in the matter of social justice, the most effective indicator of which appears to be that of income and wealth distribution, around which a debate with no solution has recently been reopened. One percent of the globe’s population controls fifty percent of its wealth. This gives new impetus to the discouraging conviction that economic and military forces might resume their domination over the future of humankind, and that only violence – and not the ‘violence’ of reason – can mark the pattern of history.

Untangling what may be considered a real institutional conundrum requires a minimum knowledge of the history of the content assumed by each of the various concepts used thus far of freedom and institution. It is

what this publication will do shortly in favour of common people, certainly not of the experts of these problems. Our scope is to outline a programme to be offered to politics to allow it to leave behind the growing chaos being manifested in the global setting with regard to citizens' rights and relations between nation-states, so as to prevent consequences that might turn out to be quite serious. The scent and sound of war have always lingered in our daily life.

Without solving the trilemma of democracy-state-market the European Union and the Euro may disintegrate, with disastrous consequences not only for its 27 member countries, but also for the rest of the world, with a negative impact on the geopolitical balance of power. Since we want the Union and the Euro to survive, we hope for a drastic and urgent change to come. The global leadership of the United States, already declining, will sooner or later come to terms with China's growing leadership, but it proves unable to identify a cooperative solution among nations, with deep consequences on the three institutions underlying their freedoms and ours. Russia is back to an 'old' form of geopolitical competition that the 'old' Western world finds difficult to understand. The Middle Eastern area is claiming its autonomy, but, above all in orthodox Islamic components, it fears that its culture is being penetrated by Western values; these have been shown to be highly resistant over the course of the entire history of humankind, and in more recent history have concluded with the end of communism and the affirmation of global capitalism. We need an active effort to melt the various cultures and traditions following the same road to tolerance experimented with by the European countries. Japan, India, the leading South American, South African, and Middle Eastern countries will have to show they can integrate themselves into the dynamics that the basic institutions for protecting the systems of freedom will take on in the world; and so will many other countries on this planet, or their economic emergence will also prove ephemeral.

We do not believe that individuals and peoples intend to give up on breathing the air of freedom and enjoying its sweet scent; but they appear willing to fight only for social justice and not for the entire set of freedoms. In the institutional passage that took place over the nineteenth century, the liberal age, and the twentieth, the age of welfare, the paradigm of liberalism was lost, and with it, the communist paradigm as well. Not much time had passed after these events when the socialist paradigm also lost its hold, giving new life to the old-style capitalist paradigm, in the wake of the spreading process of globalization, financialization, and technological innovation. After the return of nationalist movements in the

economically more advanced countries (France, Italy, Austria, Poland, etc.), and the United Kingdom's decision to abandon the European Union, it is maintained that the paradigm of globalization is also on its way out; or, to say the least, that the process is reversing course, with effects that leadership groups are no longer able to control, having shown their inability to regulate them. The consequent political void is interpreted as an institutional chaos that is apparently remedied by defences against an attack brought by an Islamic paradigm which, in parallel with the attempt by the elites to gain more of the market than the democracies accept, impedes the restoration of a linkage between the system of freedoms and the governability of the nation-states.

Constant reference to liberal ideas might lead the reader to believe that this is a tendency towards a nostalgia for an ideal world that – the text makes clear – has never existed, and perhaps may never exist. Many have understood this, but it was the poet T. S. Eliot who put it most clearly:

> That Liberalism may be a tendency towards something very different from itself, is a possibility in its nature. For it is something which tends to release energy rather than accumulate it, to relax, rather than to fortify. It is a movement not so much defined by its end, as by its starting point; away from, rather than towards, something definite.

In just a few lines, this definition wonderfully encompasses the entire work done here: liberalism hopes for a world where each individual chooses his own goal – and not a goal dictated by the politically organized liberalism itself, which hopes rather for solutions of this individual kind, nor by other conceptions of social organization, nor, and even less, by sovereigns, hidden or out in the open, such as those operating in our times. What Jean-Jacques Rousseau said centuries ago is true today: "Man is born free, and everywhere he is in chains". These chains, then, are no longer merely physical ones, but even more subtle and binding.

The main problem encountered in examining matters like the one analysed here is to grapple with the thousands upon thousands of publications on the topic, some quite well known, while others less so. The aim of this work is not that of presenting an anthology of ideas and people; therefore, only a few references of use to the theses to be proven have been cited to that end.

The system of freedoms is lost, if the current behaviours of its underlying institutions are not corrected.

But even with this limitation of scope, the field of observation remains unlimited, and the choices arbitrary. The reader must be aware of this: the larger the field of observation, the more the sense of the problem to be dealt with is lost.

I think that man, at least the most aware, hoped that with democracy he was free to pursue his own aims over others'; with the state, he hoped he had found the instrument to protect his freedoms; with the market, the method to rationally steward scarce resources. After the end of the Second World War, it appeared that society was moving towards the creation of a democratic arrangement in its organization; however, when the forces that earlier controlled it and had been got rid of regrouped, and the competition brought by communism in its Soviet version dissolved, the state resumed running on the tracks laid out by the capitalist market, gradually neglecting its commitment to greater social justice. If the three institutions being considered are not held together by a common vision of the system of freedoms to be protected (including, we repeat, social justice), they fail, individually and jointly, not only in the task assigned them of allowing man to progress, but also by causing man to retreat from the path of civil growth he had undertaken over the last few centuries. This work describes, in extreme summary, the history of the rise and fall of this process of the liberalization of the individual, attempting to understand whether it is still possible to put some life back into it.

This work is the natural outgrowth of my research carried out in a tranquil and stimulating environment during Michaelmas Term 2015 at Nuffield College, Oxford University, as Jemolo Fellow, with sponsorship from Laurence Whitehead, a shrewd scholar of democratization processes in the world. However, one stage in my Odyssey had a particularly positive influence on my work, and convinced me that youth will be the mainspring of change. Assisted by Giorgio Chiarelli I held a seminar at the Liceo Dettori secondary school in Tempio (Sardinia), a hill town in Gallura (which means 'zone of rocks', like 'granite', the material used for this city's homes and churches, as in Aberdeen, Scotland). I had the opportunity to debate with ten lively students for whose futures I have high expectations (Giulia Cossu, Alessandro Demuro, Angela Desole, Mirko Muzzu, Assia Ottaviano, Martina Scano, Susanna Serra, Davide Usula, and Teresa Vasino), led by the indispensable strength of their fine teacher, Giuseppe Pulina, who had encouraged them to read the text and

express their independent views, which they did. This experience also led me to more deeply examine the figure of the Tempio-born philosopher for whom the school is named. I shall discuss this interesting figure in Chapter Four.

I owe some of my reflections to many teachers and colleagues. I am particularly indebted to Giovanni Farese, a constant sounding board for the foundations of my analysis and much else. I am also in intellectual debt to Piero Alessandrini, Michele Barbato, Giorgio Caredda, Cosimo Ceccuti, Giorgio Balloni, Antonio Maria Fusco, Giorgio La Malfa, Attilio Mastino, Giuseppe Morbidelli, Roberto Petrini, Marco Vitale and Antonio Zanfarino who examined my ideas in depth, preventing me from committing many errors.

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CHAPTER ONE

THE LONG ROAD TO RECOGNIZING THE RIGHTS TO LIFE, TO FREEDOM OF THOUGHT AND EXPRESSION, TO PROPERTY, AND TO SOCIAL EQUALITY

It will not be sunlight
to lead us from the darkness,
but knowledge of things
(Lucretius, *De rerum natura*, first century BC)

The issue of freedom is the subject of a varied, boundless literature.[2] Usually, the analysis of liberal ideas begins with Greek philosophers and continues over the centuries up to contemporaneous ones. Although the concept of freedom is by no means an improvisation, it still remains poorly defined, if not altogether confused. We will omit the debate that has raged over about two and half millennia to reach the 'modern' elaboration of the concept which, following widespread convention, we shall attribute to John Locke (1632-1704), who ran with the baton of knowledge passed to him by Hugo Grotius (1583-1645) on natural law, and passed it on to Jean-Jacques Rousseau (1712-1778) and his *Social Contract* which was later embraced by John Rawls (1921-2002). Of course, there were many other thinkers in this relay race towards freedom and social justice, and ours is no more than a proposal, referring to only some of them when useful to the purpose pursued in this work of verifying firstly what

[2] In order to learn more about the history of liberal ideas, or about the lists of fundamental freedoms, the reader can consult the entry "Liberalism (politics)" in *Encyclopædia Britannica Ultimate Edition*, Chicago 2015, which includes some biographies of illustrious figures in liberalism. Also brief but effective is Ralf Dahrendorf's entry "Liberalism" in *The New Palgrave: A Dictionary of Economics*, edited by John Eatwell, Murray Milgate, and Peter Newman, Macmillan, London 1987, pp. 173-175. The reader should not also ignore John Stuart Mill's famous 1859 work *On Liberty*, which is considered a cornerstone in the adoption of socialist demands into the corpus of liberal doctrine.

survived this process of raising the level of the civilization of man, and secondly whether it is possible to revive its successes.

Locke lived in the century when the philosophical current of the Enlightenment reached maturity – a time when the force of reason appeared able to redeem humanity from ignorance and poverty. He lived through the ouster of the Stuart King Charles I (1600-1649), and the bankrupt policy of the Lord Protector of the British Commonwealth (England, Scotland, and Ireland), Oliver Cromwell (1599-1658), who behaved as an absolute monarch; he also lived through the celebrations in the wake of England's Glorious Revolution of 1688, with the promulgation of the first true liberal declaration, the Bill of Rights, whose exact title is *An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown*. In the meantime, the Republican experiment had ended, and the monarchy had returned, although profoundly changed, precisely due to the great strides made by the freedoms. This solemn declaration recognized freedom of speech and discussion in a freely elected parliament, and the assembly's right to decide the laws that the people were held to obey; it forbade the king to impose taxes without parliament's approval (the principle of 'no taxation without representation'), to maintain an army in peacetime, or to persecute subjects for religious reasons; but it also established the prohibition on counteracting the liberal impetus that gave life to the rights, against a Catholic king ascending to the throne. Locke died as the industrial revolution – humanity's true historic leap – was taking shape.

The interpretative paradigm used here adopts the definition advanced by some French scholars, according to which the articulation of the individual freedoms in an organic system generating a current of philosophical thought – that of liberalism – which played an important role in the civil progress of peoples. But it lost its political grip to the spread of mass democracy and socialist ideas.[3]

Locke starts from the concept of unalienable natural rights, identifying them as those to life, freedoms of thought and its expression, property and civil equality, which we shall call the *quadrilateral of freedoms* or *Locke's quadrilateral*. When man associates with others, the *state of nature* ends, and the need for a state is born, to be tasked with guaranteeing the

[3] I have drawn from the interpretation by Alain Laurent, *Généalogie d'un mot*: "*Libéralism*, in: Alain Laurent and Vincent Valentin *Le pensieur libéraux (The liberal thought)*, Les Belles Lettres, Paris 2012, p. 736.

enjoyment of the 'natural' freedoms, as he explains in his *Second Treatise of Government* of 1662 (where the term embraces two institutions we hold as distinct today: state and government).

In an era when human life was worth little, and lay in the hands of the dominant classes (the aristocracy, military, and clergy) by whom it was not respected, the claim to a **right to life** had a certain revolutionary quality. In fact, it had been recognized, but only for a highly limited portion of the English population, with the *Magna Charta Libertatum* of 1215, which enunciated the foundation of the freedoms: that of *habeas corpus*, which required a charge to be proved for the subject to be convicted. Today, despite continuous slaughter and the return of philosophies denying it, the right to life is not only recognized by 'civilized' peoples, but they have also accepted that it cannot be guaranteed if individuals lack the means to sustain themselves (to nourish, look after and educate themselves), which carries the satisfaction of this demand into the right to equality.

In many ways, attainment of the **right to freedom of thought and its expression** is the one that required the greatest struggles, not seldom in forms more bloody than those waged for the right to life. Initially, they involved clashes over religion and over respect for the principle of tolerance (on this, too, there is a text by Locke: *Essay Concerning Toleration* of 1667; but there are a great many others); it was then transformed into a full-blown, specific claim to freedom of expression of thought, of religion, of the press, and, gradually, of the free movement of persons. For this right also, recognition is greatest in the most culturally evolved countries, though there are still many exceptions, and the struggle to guarantee it is never over.

The battle for the freedom of thought and expression was waged initially around the interpretation of the Bible. It is useful to briefly relate this story in order to contextualize the setting in which the struggles for the freedoms gained maturity. It was John Wycliffe (1331-1384), a theologian and professor at Oxford University, who lit the fuse with his criticisms of church property and other aspects of Roman Catholic doctrine, which he based on interpretation of the Bible. He compared the original version with the one in Latin, which he translated into a vernacular English, allowing the people to learn its content directly. A century later, Martin Luther (1483-1546) did the same, 'inventing' the German language and bringing about the unification, into a single state, of a set of communities that

expressed themselves in many different dialects.[4] The translation into English and German of the Vulgate Bible, the only one available at the time, laid bare the distortions that had been introduced by the Roman Church, thus becoming the basis for the criticisms levelled against it.[5]

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[4] The power of language as an instrument for the penetration of ideas is very strong, and diverse in its effects. Long before Wycliffe and Luther, the Ancient Greeks and Romans relied on language to advance their cultures and therefore their power; leaping forward a millennium and a half we encounter Isaac Newton, who conceived the language of differential or infinitesimal calculus, thereby opening the frontiers to enormous progress of knowledge. Gottfried Leibniz aimed to create a perfect scientific language, paving the way for the founders of the philosophy of language of the Vienna and Cambridge (UK) Schools. Two other examples of the power of language are those of the Armenian people, and of computers. Armenians gained consciousness of being a people, and therefore a nation (although this concept had yet to be affirmed) when, in about 400 BC, the monk Mesrop Mashtots, of the Orthodox Church in Antioch founded by Saints Peter and Paul, constructed – at God's suggestion, he said – an alphabet, consisting of a blend of Greek and Syriac characters, that represented the sounds of their vernacular; the Armenians' rise to power as a people triggered a historic clash with neighbouring states, culminating in the early twentieth century with the genocide of the Armenian community by the Ottoman Empire. Charles Babbage's invention of the 'analytical engine', known today as the computer, developed in collaboration with Ada Lovelace – daughter of the great poet Lord Byron, a mathematician with an intellect as strong as her character, and author of the first algorithm, making possible the machines running – led to the explosion of information technologies and midwifed later developments in so-called Artificial Intelligence that rest upon logical/formal language and the power of the computer; this has opened endless possibilities for humankind, but has also created other problems, which we shall discuss over the course of this work. Thomas More also used the instrument of language to spread his *Utopia*, accompanying this work with a new alphabet.

[5] The history of disputes over translations of the Bible starts with its Greek version, the only one available at the time, known as the *Septuagint*; this was the version translated from Hebrew by 72 sages in Alexandria, at the famous library that was destroyed – and with it, the Hebrew-language original. Some scholars argue that the passage from Hebrew, a Semitic language, to Greek produced distortions that cannot be directly verified, but that can be reconstructed in terms of formal logic; they consider Greek to be a philosophical language, with all its complications, while a Semitic language to be a practical one, with all its simplifications; therefore, errors of interpretation are to be considered inevitable. The only direct verification can be made by comparing more than seven fragments of Greek translation of the Old Testament. The situation was certainly complicated by the passage from Greek to Latin, which was an object of protest by dissidents. To put an end to these disputes in England, King James I promoted an initiative in 1604 to

Gregory XI (c.1329-1378), the Frenchman Pierre Roger de Beaufort, and the seventh and last of the popes of the Avignon Papacy, was so infuriated over Wycliffe's criticisms that his successor took possession of Wycliffe's remains after he had died of natural causes and had his bones crushed and scattered.[6]

In this climate, an English rebellious movement matured, known as *Lollardy*, from the word *Lollard*, a derogatory nickname for the uneducated. The term Lollard was later used to indicate the more restricted group of rebels who set out their ideas in a series of documents published between 1647 and 1649, entitled *Agreement of the People*, which were inspired by Wycliffe's theses. These contained one of the first lists of freedoms that the English claimed: universal male suffrage, elections every two years, freedom of religion, abolition of debtors' prisons, struggle against corruption in politics, and laws written in a comprehensible language. This group of insurrectionists attained its maximum influence in the barracks during the Second English Civil War that brought to power Cromwell, who proclaimed himself Lord Protector of the Commonwealth but certainly not of the Lollards: he had in fact persecuted them, executing the most passionate in 1649.[7]

The fall of Cromwell broadened the cases of vendettas – lay, popular or royal, and religious, papal or otherwise – of which the crushing of Wycliffe's bones was only a minor manifestation. Cromwell died a natural death but, when the son who had taken his place was ousted, the English, who felt betrayed by Cromwell's 'monarchical' management, took revenge by exhuming his remains two years later and hanging the corpse.

The war of religion was violent. The following is a brief account.

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produce an official version of the Bible, the one still in use by the Anglican Church today, commissioning 47 scholars from the Universities of Oxford, Cambridge, and Westminster, who finished their work years later and published the result in 1611.

[6] The term *Avignon Papacy* refers to the period from 1309 to 1377 when, due to the Church's internal conflicts in designating the Pope and the chaotic conditions taking hold in Rome, the Papal See was transferred to Avignon 'temporarily' but stayed for many years due to the influence that French royal power had in maintaining this setting as a form of constraint. This is why it was also referred to as the Church's *captivity*.

[7] A small pink marble plaque on the corner of Gloucester Green and Gloucester Street in Oxford commemorates the event.

Scholars do not attribute paternity of Protestant ideas to Luther, but to Jan Hus (1369-1415), a Bohemian priest and philosopher, condemned as a heretic in 1415 by the Council of Constance and burned at the stake, the flames fed with the bibles translated by Wycliffe that he disseminated (certainly an 'improper' use of the book!)

Thomas Müntzer (1489-1525), on the other hand, was a German theologian who opposed both Luther's ideas and the Church of Rome. He attracted a great following among the people, something that has always irked those in power; in 1525, he led the peasants' revolt and was captured, tortured, and condemned to death.

In the meantime, another reformer of the Roman Church was active in France: Jean Cauvin, or Calvin (1509-1564), who broke with Catholicism in 1530, preaching predestination and that the final judgment over salvation or eternal damnation was entirely dependent upon God's will. To flee his death sentence, he took refuge in Switzerland, where he crossed paths with the Spaniard Michael Servetus (1511-1553), a humanist of multifaceted abilities who, passing through Geneva, contested the dogma of the Trinity. Calvin had him imprisoned, and he was betrayed by Protestants, who in 1553 delivered him to the Catholics for execution: quite a fine reception from a religious brother for a man guilty only of having exercised the free thinking that Calvin claimed as a human right, no matter that he himself had suffered its violations.

All this was going on while in the heart of Italy, precisely while humanism had regained vitality and the Renaissance was taking hold in all its splendour, the importance of man's dignity, of literature, of the arts, of civil and military science, and of finance proceeded in symbiosis. However, in Florence, too, conflicts of power were the order of the day, and no dissent against the Roman Catholic Church was allowed. In 1498, the friar and preacher Girolamo Savonarola (1452-1498) was burned alive, with two followers, supposedly for heresy, but in truth because they had disobeyed Pope Alexander VI (1431-1503). The Venice of the Doges, which held democracy in high regard, was no less of a location of dissent and repression: Giordano Bruno (1548-1600), a free thinker and eminent scientist, irritated, for trivial reasons, the patrician Giovanni Mocenigo (1558-1623), at whose home he had been discharging the duties of tutor, and was in 1592 denounced by him to the Inquisition for blasphemy; a seven-year trial ensued, in which theological disputes held greater attention than Savonarola had received, without however resulting in absolution due to Bruno's refusal to recant his ideas. Pope Clement VIII

(1536-1605) sentenced him to the stake in 1600. Only in 1889, on the spot in Rome's Campo de' Fiori where Bruno was burned, was a monument erected in memory of the tragic sacrifice.

After this historical parenthetic digression on the freedom of thought and expression, let us return to that side of Locke's quadrilateral that deals with the **right to property**. Although it was incorporated into civil legislation, many objections remain to its recognition, and as many limitations have been imposed by law; disputes in this regard are without end, even among those who call themselves liberal. In his *Discours sur l'origine de l'inégalité parmis les hommes* of 1754, Rousseau states that inequality is not a natural fact, given that man is born equal, but becomes so as soon as the principle of property appears in social coexistence. In brief, inequality is institutionally set, which is to say decided by the institutions that man provides. In the *Second Part* of his *Discours*, he writes:

> The first man who, having enclosed a piece of ground, bethought himself of saying, this is mine, and found people simple enough to believe him, was the real founder of civil society. From how many crimes, wars and murders, from how many horrors and misfortunes might not any one have saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows: Beware of listening to this impostor; you are undone if you once forget that the fruits of the earth belong to us all, and the earth itself to nobody![8]

Rousseau thus deals with the problem of the passage from natural law to civil law. Since no man has ever shouted those words to his peers, they are incorporated in the covert yet legal form of taxation of wealth, and the debate is centred no longer upon denying wealth, but on distributing it. Recently, after the recession following the 2008 financial crisis, a debate on this issue reopened, based on the statistical knowledge that 1% of the world's population owns half of its wealth, and the that the gap between rich and poor keeps growing. Respect for the right to property crosses paths with the fourth right – the right to equality – which wealth distribution certainly alters, which also involves, as already mentioned, respect for the right to life.

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[8] This is from the English translation of the original text of the *Discours sur l'origine et les fondamens de l'inégalité parmi les hommes* (p. 121 of the 1782 London edition).

On the topic of property, we have gone from its negation to charges that it is *theft* – in the famous wording by French anarchist philosopher Pierre-Joseph Proudhon (1809-1865). This became one of the foundations of the theories of Karl Marx (1818-1883), according to whom eliminating private property would end the alienation of workers, which is to say their being unaware of being part of production processes, and remaining thus at the margins of society. Although the concept had already been outlined by other thinkers, its clearest expression may be found in the philosophy of Georg Wilhelm Hegel (1770-1831), one of the fathers of German idealism; indeed, Marx drew on this work, but in order to develop an opposite current of thought: historical materialism. Hegel goes beyond the ideas of freedom of Immanuel Kant (1724-1804), who brought them to a level of high analysis and, based on the wretched experience of the French Revolution, argued that only ideals could change the history of mankind and improve the people's conditions. Marx believed that the ideals being spoken of at the time were the fruit of a bourgeois culture of the exploitation of workers, and thought it should be the proletariat's struggle that upset the state of servitude and alienation that the worker – and therefore the people – was in. It follows that, for the idealists, political relationships determined economic ones, while for the materialists it was the other way around: action had to be taken with regard to economic relationships, starting with private ownership of the means of production.

The true weak side of Locke's quadrilateral lies therefore in **social equality**. It is already hard to determine what it actually is, but when it becomes **social justice** the confusion reaches its zenith. The debate over freedom concentrated on this aspect of the system of freedoms. If one lacks the means to nourish and take care of oneself, one does not benefit from the right to life; if one lacks the means to be educated, one cannot exercise free thought or free expression, nor can one even benefit from the right to property, as there is no purpose to benefitting from it. In the final analysis, the entire political struggle was concentrated within the right to social equality or, at least, so it appears in the political debate.

As Italian philosopher Norberto Bobbio (1909-2004) put it:

> Like 'freedom', 'equality', in the political language, has a largely positive emotional meaning, which is to say it designates something that is desired, even though there is no shortage of authoritarian ideologies and doctrines that prize authority over freedom, and of inegalitarian ideologies and doctrines that prize inequality over equality. But as regards their descriptive meaning, while with respect to the term 'freedom' the difficulty of determining it lies above all in its ambiguity, since the political language

> speaks of 'freedom' in at least two meanings, the difficulty of establishing the descriptive meaning of 'equality' lies above all in its indeterminacy, so that saying that two entities are equal with no other determination means nothing in the political language, unless it is specified what entities are being discussed, and what they are equal with respect to – which is to say, unless we can answer: a) "equality between whom?" and b) "equality of what?" [9]

In analysing this problem, which has become central in the consideration of civil societies, there are three stages: in the phase of the debate's beginnings, equality was that before the law, which then gradually transformed, as we have already had the opportunity to specify, into equality with regard to resources, and then, in a broader and in practice more indefinable sense, towards the term of reference of social justice.

Less problematic but more effective is the definition of social justice provided by Hungarian philosopher Anthony de Jasay (1925-2019):

> I shall begin by taking the risk of irritating and disturbing my readers, by stating that, if they were asked "what is social justice?" very few would be able to provide a coherent response…. And it is precisely in this aspect that the immense power of the expression lies…. No one knows what it means exactly, and it is therefore hard to oppose…. The requirements of social justice become moral imperatives.[10]

Like many other authors, Amartya Sen (1933-), the Indian Nobel laureate in economics, introduced a change in the theoretical analysis of the ideas of freedom, stating that the 'comparative' practical configuration these ideas took on was of far greater importance as a central problem of analysis aimed at improving civil coexistence than the traditional researching of a 'transcendental' framework. This leads him to argue that to attempt to provide, a priori, a definition and – even more so – a content for social justice is a task that does not get us very far; and, even if we

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[9] Norberto Bobbio wrote repeatedly on the theme of equality and freedom, but dedicated two specific entries in *Enciclopedia del Novecento*, Istituto for Enciclopedia Italiana Treccani, Roma: *Eguaglianza* (1977) and *Libertà* (1978). Both can be read in Italian on www.treccani.it/eguaglianza or www.treccani.it/libertà. The quotation is an English translation from the paragraph "1. Eguaglianza e libertà" of the first web site.

[10] Anthony de Jasay wrote a great deal on the issue of the institutions upholding freedom, and dealt specifically with the theme of social justice in his "Social Justice Examined: With a Little Help from Adam Smith", in *Public Choice and the Challenges of Democracy*, ed. by José Casas Pardo and Pedro Schwartz, Chapter 2, Elgar Publishing, Cheltenham Glos 2007; the quotation is on page 160.

could ever do it, an even thornier problem would be to realize it in practice. As Sen puts it,

> a theory of justice that can serve as the basis of practical reasoning must include ways of judging how to reduce injustice and advance justice, rather than aiming only at the characterization of perfect justice societies – an exercise that is such a dominant feature of many theories of justice in political philosophy to-day.[11]

To support his theses, he offers the parable of three children and a flute, which calls for you

> to decide which of three children – Anne, Bob and Carla – should get a flute about which they are quarrelling. Anne claims of the flute on the ground that she is the only one of the three who knows how to play it.… Bob … defends his case … by pointing out that he is the only one among the three who is so poor that he has no toys of his own.… Carla … points out that she has been working diligently for many months to make the flute with her own labour.… Having heard all three and their different lines of reasoning, there is a difficult decision that you have to make. Theorists of different persuasions, such as utilitarians, or economic egalitarians, or no-nonsense libertarians, may each take the view that there is a straightforward just resolution staring at us here, and there is no difficulty in spotting it. But almost certainly they would respectively see totally different resolutions as being obviously right. Bob, the poorest, would tend to get fairly straightforward support from the economic egalitarian.… Carla, the maker of the flute, would receive immediate sympathy from the libertarian.… The utilitarian hedonist … would certainly tend to give weight ... to the fact that Anne's pleasure is likely to be stronger because she is the only one who can play the flute.[12]

This example shows that the solution is filtered through ideas of justice, as also occurs for any other interpretation of reality in accordance with the principles of the modern logic of scientific research in which Austrian philosopher Karl Popper (1902-1994) excels. On social justice, liberal thinkers have never given an unambiguous response, and Sen's version has the merit of indicating that the decisions in this regard depend on the philosophy that the decision-maker champions: it is impossible to affirm the existence of a scientific formula that credits the choice that is made as the only possible or acceptable one. The 'comparison' is thus rooted in logic and practice, shifting the problem's solution onto the

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[11] See Amartya Sen, *The Idea of Justice*. Allen Lane, an imprint of Penguin Books, London 2009, "What Kind of a Theory", pp. ix-xii; the quotation is on page ix.
[12] *Ibidem*, "Three Children and a Flute: An Illustration", pp. 13-16.

method of choice in order to decide to whom to give the flute – this is to say democracy, to which we shall return later.

No less effective is the interpretative key of United States philosopher Robert Nozick (1938-2002) who presents the type of solution that has been given or that should be given regarding social justice, asking readers to complete the phrase "to each according to his" merit, need, IQ, family, income, wealth, strength, religious or mystical asceticism, or any other demand; depending on the response provided, we can learn what political system we are in, of which one we are speaking, or in which one we would like to live.[13]

American philosopher John Rawls devoted himself to defining more precisely the concept of social justice as part of the system of freedom that he first ratifies as follows:

> The list of the basic liberties is, of course, familiar. The difficult part lies in specifying them more exactly and in ordering them in relation to one another when they conflict.… The essential thing is to stress the great significance that liberalism attaches to a certain list of liberties, rather than to liberty as such. With this in mind, the second element of the content of liberalism is that the liberties are assigned a certain priority, that is, a certain force and weight. This means, in effect, that they cannot normally be sacrificed in order to gain greater social welfare, or for the sake of perfectionist values; and this restriction is, practically speaking, absolute.[14]

He states that social justice is the hardest to place within the logical framework of the 'list of freedoms', advancing the concept of 'justice as fairness', which maintains links to the conception of freedom held by the leading thinkers in the field, concentrating on the more disputed point of equality.[15]

As he himself admits "This is a long book, not only in pages";[16] it is in fact rather complex. There are more than 400 elucidations on the content of the two principles of *justice as fairness* upon which his theory is

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[13] Cf. Robert Nozick, *Anarchy, State, and Utopia*, Basic Books, New York, 1974. Norberto Bobbio, in his "Eguaglianza," *cit.*, adopts this subjective concept of social justice that impedes a non-ideological application to political choices.

[14] Cf. John Rawls, *Lectures on the History of Political Philosophy*, Harvard University Press, Cambridge (Mass) 2007, p. 12.

[15] Cf. John Rawls, *A Theory of Justice (Revised Edition)*, Belknap Harvard, Cambridge (Mass) 1999.

[16] *Ibidem*, p. xviii.

founded, which we shall specify later, relying on the definitions provided by the author in the 1999 revised edition, to which scholars of his thought generally refer.[17]

> FIRST PRINCIPLE. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Which is to say individual freedoms find their limit in the freedomsenjoyed by one's peers, thereby introducing a useful clarification on the content of the concept.

> SECOND PRINCIPLE. Social and economic inequalities are to be arranged so that they are both
>
> (a) *to the greatest benefit of the least advantaged, consistent with the just savings principles, and*
>
> (b) *attached to offices and positions open to all under conditions of fair equality of opportunities*.[18]

For Rawls, social assistance has to be guaranteed to those who are disadvantaged by nature and life, while respecting deservedly accumulated wealth, and with conditions for accessing wealth and power equal to that of others. Reading these two statements, one is led to believe that Rawls accepts basing social justice upon freedoms, but he subjects them to limitations arising from man's belonging to a society; this is repeated more clearly in subsequent writings after his having assessed the doubts expressed by critics as to whether his full-blown 'moderate' liberalism was well-grounded: he stresses that underlying it is a *scheme of equal basic liberties* as extensive as possible for each individual, but bound to respect for the equal right of others, which, due to the existence of *social and economic inequalities*, involves defining rules for assisting the less advantaged (he no longer says 'disadvantaged', thereby introducing a distinctive element of comparison), along with the possibility of rising socially and having one's savings respected. These conditions are hard to come by in practice but, as he himself points out, this is a scheme of *ideal society* and the two indicated principles are the first enunciation of the

[17] There are in fact 52 premises to the first enunciation of the two principles of justice, followed by 357 elucidations throughout the work. In all, 409 passages define the concept, bearing witness to its complexity. These calculations were made possible using the reading techniques offered by Kindle.
[18] Cf. John Rawls, *A Theory of Justice*, *cit.*, pp. 266.

problem, which is then analysed by him in such detail that it is almost impossible to summarize. Here we shall attempt to grasp only certain aspects related to what we call the 'fatal attraction' to the social demands to which liberalism must be able to react, striking a balance so as not to politically degenerate, something that in our opinion has taken place. Towards this end, Rawls offers an important contribution that may be grasped by this passage of his work:

> Justice is the first virtue of social institutions, as truth is of systems of thought.… Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interest.[19]

He thus offers one of the linchpins of classical liberalism in a new guise – that of the fairness that in his work becomes *justice as fairness* – and he specifies it in accordance with the following logical bases:

> My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant. In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice from the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of governments that can be established. This way of regarding the principles of justice I shall call justice as fairness.
>
> Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles by which to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of the society. Just as each person must decide by rational reflection what constitutes his good, that is, the system

[19] *Ibidem*, pp. 3-4

> of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust.[20]

There are four important concepts in Rawls's theory of social justice: the **original contract** that gives life to a **basic structure** of the organization of society, which has its logical basis in aiming to guarantee the **original position of equality** between individuals, and its political basis in a commitment of **social cooperation**. The assumption of the original contract is that people are enveloped in a "veil of ignorance":

> no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance.[21]

In many ways, his theory presents a reasoned summary of many of the concepts encountered thus far on the evolution of the liberal conception of individual and social life. However, his analysis does not treat fairness as a question connected with the existence of a natural right, as pure liberals do, but in accordance with a legal/democratic vision in the manner of a pact, a contract in the manner of Rousseau. But he refuses the egalitarianism typical of hard-core socialism and hinges his reasoning upon the search for a proper commensuration between the collective supply of guarantees and the individual demand for meritocracy, a typical trait of 'moderate' socialism, without losing the liberal conception of social organization and without limiting himself to purely economic aspects, which is the core of this work.

Once again, we leave it to the author to explain what he means in practice:

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[20] *Ibidem*, pp. 10-11. One of the limits of Rawls's works, which he himself admits, is that it regards a closed system – that is, a nation-state – while the problems of social justice cannot today be distinguished from those of the constraints derived from the globalization of information and the economy, which has cast the Westphalian organization of societies into crisis. This is a problem we will examine in the closing chapter.

[21] John Rawls, *A Theory of Justice, cit.*, p. 11. James Buchanan and Gordon Tullock, founders of the Public Choice School, attribute to 'uncertainty' and not to 'ignorance' the 'veil' function that leads one to accept one of the possible forms of social contract that condition the use of individual freedoms.